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Government
Publications

Bill 176

Government Bill

2ND SESSION, 34TH LEGISLATURE, ONTARIO

39 ELIZABETH II, 1990

Bill 176

An Act to amend the Assessment Act

The Hon. R. Mancini
Minister of Revenue



1st Reading June 5th, 1990
2nd Reading
3rd Reading
Royal Assent

EXPLANATORY NOTE

The Bill would allow the Ministry of Revenue to prepare the equalized assessments and equalization factors of municipalities and localities on a quadrennial basis. The first one would take place in 1993. However, if a municipality or locality experiences a major change in its tax base or if merged area calculations are required to support county restructuring, the Ministry of Revenue shall determine the relevant equalized assessment and equalization factor. The Ministry of Revenue would no longer be required to carry out annual mini-enumerations.

Complementary amendments are made to the *Ontario Unconditional Grants Act*.

The provisions dealing with apportionment have been transferred from the *Ontario Unconditional Grants Act* to the *Municipal Act*.

Bill 176

1990

An Act to amend the Assessment Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 14 (2) of the *Assessment Act*, as re-enacted by the Statutes of Ontario, 1988, chapter 20, section 21, is repealed. R.S.O. 1980,
c. 31

(2) Subsection 14 (6) of the Act, as enacted by the Statutes of Ontario, 1988, chapter 20, section 21, is amended by striking out “or (2)” in the second and third lines.

2. Subsection 15 (2) of the Act, as re-enacted by the Statutes of Ontario, 1988, chapter 20, section 22, is repealed and the following substituted:

(2) Subject to subsection (3), the list referred to in subsection (1) shall be prepared on the basis of information contained in the last enumeration, including updates thereto under subsection 14 (6). Preparation
of list

3.—(1) Subsection 55 (1) of the Act is amended by adding at the beginning “In every fourth year, commencing in 1993”.

(2) Subsection 55 (3) of the Act is amended by inserting after “year” in the third line “referred to in subsection (1)”.

(3) Section 55 of the Act, as amended by the Statutes of Ontario, 1982, chapter 40, section 3 and 1983, chapter 58, section 3, is further amended by adding the following subsections:

(9) The equalized assessment and equalization factor published in *The Ontario Gazette* on the 15th day of July, 1989, as amended or adjusted after appeal, shall be the equalized assessment and equalization factor for each municipality and locality in the years 1990, 1991 and 1992. Transition

(10) If the Ministry receives a request from the Ministry of Education, the Ministry of Municipal Affairs or the Ministry Exception

of Northern Development and Mines, it shall determine the equalized assessment and equalization factor for a municipality or locality,

- (a) which has experienced a significant change in the assessment of rateable property; or
- (b) where merged area calculations are required to support county restructuring.

Publication

(11) The equalized assessment and equalization factor determined under subsection (10) shall be published in *The Ontario Gazette* and replaces the equalized assessment and equalization factor last published for the municipality or locality.

COMPLEMENTARY AMENDMENTS

R.S.O. 1980,
c. 359

4. Section 9a of the *Ontario Unconditional Grants Act*, as enacted by the Statutes of Ontario, 1981, chapter 9, section 9, is repealed.

R.S.O. 1980,
c. 302

5. The *Municipal Act* is amended by adding the following section:

Definitions

365a.—(1) In this section,

R.S.O. 1980,
c. 365

“area municipality” means an area municipality as defined in any Act establishing a metropolitan, regional or district municipality and in the *County of Oxford Act*;

“commercial assessment” has the same meaning as in section 368a;

R.S.O. 1980,
cc. 122, 203

“district board” means a district welfare administration board established under the *District Welfare Administration Boards Act* or a board of management established under the *Homes for the Aged and Rest Homes Act*;

“lower tier municipality” means a city, town, village, township or improvement district;

“merged area” means a merged area as defined in an Act establishing a regional municipality;

“regional municipality” means a metropolitan, regional or district municipality as defined in the Act establishing the municipality and includes the County of Oxford;

“residential and farm assessment” has the same meaning as in section 368a;

“supporting municipality” means,

- (a) an area municipality,
- (b) a municipality required to provide moneys to a county for county purposes under subsection 365 (6), and
- (c) a municipality that is located wholly or partly within an area under the jurisdiction of a district board or a conservation authority and against which an apportionment utilizing equalized assessment is to be made in any year by the district board or conservation authority;

“upper tier municipality” means a county or regional municipality.

(2) Notwithstanding this Act or any other general or special Act, the Lieutenant Governor in Council may, each year by regulation, prescribe the basis on which apportionments, levies and requisitions are to be made by the councils of upper and lower tier municipalities and by any local board, or class thereof, specified in the regulation. Regulations

(3) A regulation is, if it so provides, effective with reference to a period before it is filed. Retroactivity

(4) Where, in respect of any year, the council of a supporting municipality is of the opinion that an apportionment made pursuant to a regulation made under subsection (2) is incorrect because of, Application for review

- (a) an error or omission in the amount of the residential and farm assessment or commercial assessment of one or more supporting municipalities;
- (b) an error or omission in the application of a factor used to equalize the residential and farm assessment or commercial assessment of one or more supporting municipalities;
- (c) an error or omission in a calculation; or
- (d) the failure to apply one or more provisions of the regulation,

the council may apply to the Ministry within thirty days after notice of the apportionment was sent to the supporting municipality for a review to determine the correct proportion of the apportionments, levies or requisitions that each supporting municipality or part thereof shall bear in each year.

Appeal to
Ontario
Municipal
Board

(5) Any supporting municipality that is dissatisfied with the decision resulting from the Ministry review may, within thirty days after notice of the review was sent to the municipality, appeal in writing to the Ontario Municipal Board.

R.S.O. 1980,
c. 31

6. On the 1st day of January, 1991, subsection 55 (10) of the *Assessment Act*, as enacted by section 3 of this Act, is amended by striking out "Ministry" in the first line and substituting "Corporation".

Commence-
ment

7. This Act shall be deemed to have come into force on the 1st day of January, 1990.

Short title

8. The short title of this Act is the *Assessment Amendment Act, 1990*.

Bill 177

An Act respecting the Amalgamation of certain Municipalities in the County of Simcoe

The Hon. J. Sweeney
Minister of Municipal Affairs



1st Reading June 6th, 1990

2nd Reading

3rd Reading

Royal Assent

EXPLANATORY NOTE

The purpose of the Bill is to amalgamate the following municipalities located in the County of Simcoe on the 1st day of January, 1991:

1. The Township of Innisfil, the Village of Cookstown and those portions of the Township of West Gwillimbury and the Township of Tecumseth described in Schedule A are amalgamated under the name of The Corporation of the Town of Innisfil.
2. The Town of Bradford, the portions of the Township of West Gwillimbury described in Schedule B and the portion of the Township of Tecumseth described in Schedule C are amalgamated under the name of The Corporation of the Town of Bradford West Gwillimbury.
3. The Town of Alliston, the Village of Beeton, the Village of Tottenham and the portion of the Township of Tecumseth described in Schedule D are amalgamated under the name of The Corporation of the Town of the Amalgamated Municipalities of Alliston, Beeton, Tecumseth and Tottenham.

Bill 177

1990

An Act respecting the Amalgamation of certain Municipalities in the County of Simcoe

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HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Definitions

1.—(1) In this Act,

“Amalgamated Town” means The Corporation of the Town of the Amalgamated Municipalities of Alliston, Beeton, Tecumseth and Tottenham;

“County” means The Corporation of the County of Simcoe;

“County Council” means the council of the County;

“former municipality” means The Corporation of the Town of Alliston, The Corporation of the Town of Bradford, The Corporation of the Township of Innisfil, The Corporation of the Township of Tecumseth, The Corporation of the Township of West Gwillimbury, The Corporation of the Village of Beeton, The Corporation of the Village of Cookstown or The Corporation of the Village of Tottenham as they existed before the 1st day of January, 1991;

“Minister” means the Minister of Municipal Affairs;

“Municipal Board” means the Ontario Municipal Board;

“prescribed” means prescribed by the regulations;

“qualified elector” means a qualified elector under the *Municipal Elections Act*;

R.S.O. 1980,
c. 308

“town municipality” means The Corporation of the Town of Innisfil, The Corporation of the Town of Bradford West Gwillimbury or The Corporation of the Town of the Amalgamated Municipalities of Alliston, Beeton, Tecumseth and Tottenham created by the amalgamations under section 2.

(2) A reference in this Act to the Town of Innisfil, the Town of Bradford West Gwillimbury or the Amalgamated Town is a reference to the geographic area comprising those municipalities or a reference to the municipal corporation bearing that name, as the context requires. Idem

PART I

TOWN MUNICIPALITIES

2.—(1) On the 1st day of January, 1991,

Amalgamations

- (a) the Township of Innisfil, the Village of Cookstown and those portions of the Township of West Gwillimbury and the Township of Tecumseth described in Schedule A are amalgamated as a town municipality under the name of The Corporation of the Town of Innisfil;
- (b) the Town of Bradford, the portion of the Township of West Gwillimbury described in Schedule B and the portion of the Township of Tecumseth described in Schedule C are amalgamated as a town municipality under the name of The Corporation of the Town of Bradford West Gwillimbury; and
- (c) the Town of Alliston, the Village of Beeton, the Village of Tottenham and the portion of the Township of Tecumseth described in Schedule D are amalgamated as a town municipality under the name of The Corporation of the Town of the Amalgamated Municipalities of Alliston, Beeton, Tecumseth and Tottenham.

(2) The Town of Innisfil shall be deemed to be a township for all purposes related to the Police Village of Thornton.

Deemed township

(3) Upon the application of The Corporation of the Township of Essa, the Township of Innisfil or the Town of Innisfil, the Municipal Board may by order on such terms as it considers expedient, dissolve the Police Village of Thornton.

Application to O.M.B.

(4) Section 25 of the *Municipal Act* applies with necessary modifications to an application and a dissolution under subsection (3).

Application of R.S.O. 1980, c. 302, s. 25

(5) The Town of Innisfil may continue any application by the Township of Innisfil under subsection (3).

Continuation of application

R.S.O. 1980,
c. 347, ss. 94
and 95 do
not apply

(6) Sections 94 and 95 of the *Ontario Municipal Board Act* do not apply to decisions or orders of the Municipal Board under subsection (3).

Change of
name

(7) During 1992 the Minister may by order alter the name of the Amalgamated Town.

Composition
of town
council
R.S.O. 1980,
c. 302

3.—(1) Despite section 32 of the *Municipal Act*, commencing the 1st day of December, 1991, the council of each town municipality shall be composed of a mayor and a county councillor who shall be elected by general vote and seven additional members who shall be elected by wards.

One vote

(2) Each member of a council of a town municipality has one vote.

No board of
control

(3) A town municipality shall not have a board of control.

Joint
proposal

4.—(1) A joint proposal shall be submitted on behalf of each future town municipality to the Minister, no later than the 1st day of October, 1990, to divide each town municipality into wards and the proposal shall contain the number of wards, the boundaries of each ward and the number of members of council to be elected from each ward in that town municipality.

Idem

(2) The joint proposal shall be submitted,

- (a) on behalf of the future Town of Innisfil, by the councils of the Township of Innisfil and the Village of Cookstown;
- (b) on behalf of the future Town of Bradford West Gwillimbury, by the councils of the Town of Bradford and the Township of West Gwillimbury; and
- (c) on behalf of the future Amalgamated Town, by the councils of the Town of Alliston, the Village of Beeton, the Township of Tecumseth and the Village of Tottenham.

Order of
Minister

(3) After the expiration of the time for the submission of proposals under subsection (1), the Minister shall by order establish for each town municipality,

- (a) the number of wards;
- (b) the boundaries of the wards; and

- (c) the number of members of council, up to a maximum of two members, to be elected from each ward.

(4) An order under subsection (3) may provide for a different number of members to be elected from different wards within the same town municipality. Idem

(5) An order under subsection (3) shall come into effect on the 1st day of December, 1991 but the regular election held in 1991 shall be conducted as if the order was in effect. Effective date of order

5.—(1) Upon the application of a town municipality under subsection 13 (2) of the *Municipal Act*, or upon the petition of electors under subsection 13 (3) of that Act, the Municipal Board may by order, O.M.B. order
R.S.O. 1980, c. 302

- (a) divide or redivide the town municipality into wards and designate the name or number each ward shall bear;
- (b) alter the boundaries of any or all of the wards in the town municipality; and
- (c) determine the number of members of council, up to a maximum of two members, to be elected from each ward.

(2) An order made under subsection (1) shall come into effect on the 1st day of December in 1994 or on the 1st day of December in any subsequent year in which regular elections under the *Municipal Elections Act* occur but the regular elections held in that year shall be conducted as if the order was in effect. Date order effective

R.S.O. 1980, c. 308

(3) An order under subsection (1) shall not alter the total number of members who represent the town municipality on the County Council or the number of votes assigned to the members under this Act. Limitation

(4) An order under subsection (1) may provide for a different number of members to be elected from different wards within the same town municipality. Variation between wards

(5) Despite subsection (1), the mayor and the county councillor of the town municipality shall continue to be elected by a general vote of the electors of the town municipality and shall be members of the County Council, and the mayor shall be the head of council of the town municipality. Election of mayor, county councillor

Where
inquiry by
Minister

(6) Where the Minister is inquiring into the structure, organization and methods of operation of a town municipality, the Minister may give notice to the Municipal Board of the inquiry and request that any application or petition made under subsection (1) be deferred until the inquiry has been completed.

Idem

(7) If notice is given under subsection (6), all proceedings in the application or petition are stayed until the Minister gives notice to the Municipal Board that they may be continued.

By-laws,
resolutions of
former
municipalities

6.—(1) Every by-law and resolution of a former municipality pertaining to an area included in a town municipality shall be deemed to be a by-law or resolution of the town municipality of which that area now forms a part and shall remain in force in that area until the earlier of,

(a) the date it is amended or repealed by the council of the town municipality; and

(b) the 31st day of December, 1994.

By-laws,
official plans
under
1983, c. 1

(2) Despite subsection (1), any by-law of a former municipality passed under section 34 of the *Planning Act, 1983*, or a predecessor of that section, and any official plan of a former municipality approved under the *Planning Act, 1983*, or a predecessor of that Act, pertaining to an area in a town municipality shall be deemed to be a by-law or official plan of the town municipality of which that area now forms a part and shall remain in force in that area until amended or repealed.

By-laws that
require
approval

(3) If a former municipality has commenced procedures to enact a by-law under any Act or to adopt an official plan or amendment thereto under the *Planning Act, 1983*, and that by-law, official plan or amendment applies to an area located in a town municipality and is not in force on the 1st day of January, 1991, the council of that town municipality may continue the procedures to enact the by-law or adopt the official plan or amendment to the extent that it applies to the area of that town municipality.

Subss. (1)
and (2) apply

(4) Subsections (1) and (2) apply with necessary modifications to the by-law, official plan or amendments thereto.

By-laws,
resolutions
not affected

(5) Nothing in this section repeals or authorizes the amendment or repeal of,

- (a) by-laws or resolutions of the former municipalities passed under section 45, 58 or 61 of the *Drainage Act* or a predecessor of those sections; and R.S.O. 1980, c. 126
- (b) by-laws or resolutions conferring rights, privileges, franchises, immunities or exemptions that could not have been lawfully repealed by the councils of the former municipalities.

(6) Despite section 74 of the *Drainage Act*, and any by-law of the former municipalities, on and after the 1st day of January, 1991, 40.733 per cent of the costs of operating, maintaining and repairing the drainage works known locally as the Holland Marsh Drainage Scheme shall be assessed against the lands and roads in the Town of Bradford West Gwillimbury benefiting from the drainage works as follows: Drainage works

1. 34.393 per cent shall be assessed against the lands.
2. 3.440 per cent shall be assessed against the roads of the Town.
3. 2.1 per cent shall be assessed against the roads of the County.
4. 0.800 per cent shall be assessed against provincial highways.

(7) Subsection (6) shall remain in force until amended or repealed in the same manner as such assessment and apportionment of costs may be amended or repealed under the *Drainage Act*. Idem

7. Except as otherwise provided in this Act, the assets and liabilities of a former municipality and its local boards pertaining to the area included in a particular town municipality become assets and liabilities of that town municipality or a local board thereof without compensation, and the town municipality and its local boards stand in the place of the former municipality and its local boards. Transfer of assets and liabilities

8. Except as otherwise provided in this Act, all taxes, charges or rates levied by a former municipality or its local boards under any general or special Act that are due and unpaid on the 31st day of December, 1990, pertaining to the lands included in a particular town municipality, shall, on the 1st day of January, 1991, be due and payable to the town municipality or a local board thereof and may be collected and recovered as if the taxes, charges or rates had been imposed by the town municipality or the local board thereof. Transfer of taxes, charges and rates

Special
collector's
roll

9.—(1) The clerk of the Town of Bradford West Gwillimbury shall, as soon as practicable after the 1st day of January, 1991, prepare and furnish to the clerk of the Town of Innisfil a special collector's roll showing all arrears of taxes, charges or rates assessed against that portion of the Township of West Gwillimbury being amalgamated with the Town of Innisfil up to and including the 31st day of December, 1990, and the persons assessed therefor.

Payment

(2) On or before the 1st day of April, 1991, the Town of Innisfil shall pay to the Town of Bradford West Gwillimbury an amount equal to the arrears of taxes, charges and rates contained on the special collector's roll under subsection (1).

Special
collector's
roll

(3) The clerk of the Amalgamated Town shall, as soon as practicable after the 1st day of January, 1991, prepare and furnish to the clerk of the Town of Innisfil a special collector's roll showing all arrears of taxes, charges or rates assessed against that portion of the Township of Tecumseth being amalgamated with the Town of Innisfil up to and including the 31st day of December, 1990, and the persons assessed therefor.

Payment

(4) On or before the 1st day of April, 1991, the Town of Innisfil shall pay to the Amalgamated Town an amount equal to the arrears of taxes, charges and rates contained on the special collector's roll under subsection (3).

Special
collector's
roll

(5) The clerk of the Amalgamated Town shall, as soon as practicable after the 1st day of January, 1991, prepare and furnish to the clerk of the Town of Bradford West Gwillimbury a special collector's roll showing all arrears of taxes, charges or rates assessed against that portion of the Township of Tecumseth being amalgamated with the Town of Bradford West Gwillimbury up to and including the 31st day of December, 1990, and the persons assessed therefor.

Payment

(6) On or before the 1st day of April, 1991, the Town of Bradford West Gwillimbury shall pay to the Amalgamated Town an amount equal to the arrears of taxes, charges and rates contained on the special collector's roll under subsection (5).

Committees
of adjustment
dissolved

10.—(1) Subject to subsection (5), on the 1st day of January, 1991, all committees of adjustment of the former municipalities are dissolved.

Establish-
ment of
committees
of adjustment
1983, c. 1

(2) Each town municipality shall establish a committee of adjustment under section 43 of the *Planning Act, 1983* and shall delegate its authority under subsection 53 (2) of the

Planning Act, 1983 to the committee and, for this purpose, the County shall be deemed to have received the approval of the Minister and to have delegated to each town municipality the authority under subsection 53 (1) of the *Planning Act, 1983* for the giving of consents.

(3) Nothing in subsection (2) prevents the delegation, withdrawal of delegation or redelegation of the authority to give consents.

Delegation
power
unaffected

(4) All applications to a committee of adjustment dissolved under subsection (1) shall be deemed to be applications to and shall be continued by the committee of adjustment of the town municipality in which the lands that are the subject of the application are located.

Applications
continued

(5) The committees of adjustment dissolved under subsection (1) and the terms of office of the members of the committees shall continue to the 31st day of January, 1991 for the purpose of making a decision on any application for which a hearing is completed before the 1st day of January, 1991.

Continuing
matters

11.—(1) The council of each town municipality shall be deemed to be a recreation committee under the *Ministry of Tourism and Recreation Act, 1982*, a committee of management of a community recreation centre under the *Community Recreation Centres Act* and a board of park management under the *Public Parks Act* and all such committees and boards of the former municipalities are dissolved on the 1st day of January, 1991.

Dissolution
of
committees,
boards under
1982, c. 7,
R.S.O. 1980,
cc. 80, 417

(2) Every by-law and resolution of the boards and committees dissolved under subsection (1) pertaining to an area included in a particular town municipality shall be deemed to be a by-law and resolution of the town municipality of which that area now forms a part, and shall remain in force in that area until the earlier of,

Idem

(a) the date it is amended or repealed by the town municipality; and

(b) the 31st day of December, 1994.

(3) Nothing in this section repeals or authorizes the amendment or repeal of by-laws or resolutions conferring rights, privileges, franchises, immunities or exemptions that could not have been lawfully repealed by the boards and committees dissolved under subsection (1).

Certain
by-laws,
resolutions
continue

Employees

12.—(1) Every person who is employed by the Township of Innisfil or a local board thereof or by the Village of Cookstown or a local board thereof on the 1st day of July, 1990 and who continues to be so employed until the 31st day of December, 1990 becomes on the 1st day of January, 1991, an employee of the Town of Innisfil or a local board thereof.

Idem

(2) Every person who is employed by the Town of Bradford or a local board thereof or by the Township of West Gwillimbury or a local board thereof on the 1st day of July, 1990 and who continues to be so employed until the 31st day of December, 1990, becomes on the 1st day of January, 1991, an employee of the Town of Bradford West Gwillimbury or a local board thereof.

Idem

(3) Every person who was employed by the Town of Alliston or a local board thereof, by the Village of Beeton or a local board thereof, by the Township of Tecumseth or a local board thereof or by the Village of Tottenham or a local board thereof on the 1st day of July, 1990 and who continues to be so employed until the 31st day of December, 1990, becomes on the 1st day of January, 1991, an employee of the Amalgamated Town or a local board thereof.

Wages

(4) Any person who becomes an employee of a town municipality or a local board thereof under subsection (1), (2) or (3) shall receive a wage or salary of not less than the amount that that person was receiving on the 31st day December, 1990.

Order
respecting
employees

(5) The Minister may by order define employee for the purposes of this section and provide for the security of employment, the protection of benefits, including seniority and pensions, and early retirement options for employees affected by this Act.

PART II

COUNTY COUNCIL

Application
1988, c. Pr36
R.S.O. 1980,
c. 302

13. This Part applies despite the *County of Simcoe Act, 1988* and sections 27, 28 and 29 of the *Municipal Act*.

Represent-
ation on
County
Council

14.—(1) After the 30th day of November, 1991, each town municipality shall be represented on County Council by its mayor and county councillor.

Voting

(2) The members of the County Council under subsection (1) shall have a total of fifteen votes of which each mayor

shall have three votes and each county councillor shall have two votes.

15. Section 39a of the *Municipal Act* applies with necessary modifications to members of County Council under this Part. Vacancies
R.S.O. 1980,
c. 302

16. The County Council may by by-law provide that a member who in council has one or more additional votes by virtue of this Part shall as a member of any committee have the same number of additional votes. Voting on
committees

PART III

PUBLIC UTILITY COMMISSIONS

17.—(1) All public utility commissions of the former municipalities established under any Act and all committees of council of the former municipalities responsible for public utilities are dissolved on the 1st day of January, 1991. Dissolution

(2) On the 1st day of January, 1991, Commissions
established

(a) a hydro-electric power commission is hereby established for each of the Town of Innisfil and the Amalgamated Town; and

(b) a combined hydro-electric power and water commission is hereby established for the Town of Bradford West Gwillimbury.

(3) Each commission established under subsection (2) shall be deemed to be a commission established under Part III of the *Public Utilities Act* and a municipal commission within the meaning of the *Power Corporation Act*. Deemed
commission
under
R.S.O. 1980,
cc. 423, 384

18.—(1) Despite section 41 of the *Public Utilities Act*, the members of the commission established under this Part shall, after the 30th day of November, 1991, be determined in accordance with this section. Composition
of
commission
R.S.O. 1980,
c. 423

(2) The commission of the Town of Innisfil shall be composed of the mayor of the Town of Innisfil and, Town of
Innisfil

(a) for the term commencing the 1st day of December, 1991, four other members, who are qualified electors of the Town of Innisfil and who are not members of council of the Town of Innisfil, appointed by the council of the Town of Innisfil at its first meeting of that term; and

- (b) for the term commencing the 1st day of December, 1994 and all terms thereafter, four other members who are qualified electors elected by general vote of the electors of the Town of Innisfil.

Town of
Bradford
West
Gwillimbury

(3) The commission of the Town of Bradford West Gwillimbury shall be composed of,

- (a) the mayor of the Town of Bradford West Gwillimbury; and
- (b) four other members who are qualified electors of the Town of Bradford West Gwillimbury and one of whom may be a member of the council of the Town of Bradford West Gwillimbury, appointed by the council of the Town of Bradford West Gwillimbury at its first meeting of each term.

Amalgamated
Town

(4) The commission of the Amalgamated Town shall be composed of,

- (a) the mayor of the Amalgamated Town; and
- (b) four other members who are qualified electors of the Amalgamated Town in an area served by the commission, elected by general vote of the electors in the areas served by the commission.

Number of
members
reduced

(5) Despite subsection (2), the council of the Town of Innisfil may, by by-law passed before an appointment is made under clause (2) (a), provide that only two members be appointed to the commission for the term commencing the 1st day of December, 1991, but a by-law under this subsection shall not be repealed once an appointment has been made.

Idem

(6) Despite subsection (2), the council of the Town of Innisfil may, by by-law passed during 1993, provide that only two members be elected to the commission under clause (2) (b) for the term commencing the 1st day of December, 1994 and all subsequent terms, but a by-law under this subsection shall not be repealed after the 31st day of December, 1993.

Term

19. A member of a commission shall hold office for the same term as the members of council or until the successor of the member is elected or appointed.

Delegate of
mayor

20. The council of a town municipality may, by by-law passed with the written consent of the mayor, appoint a dele-

gate from among the members of the council to represent the mayor on the commission for that town municipality.

21. On the 1st day of January, 1991, the assets of a former municipality and the assets under the control and management of a commission dissolved under subsection 17 (1), and the liabilities of a former municipality and of a commission dissolved under subsection 17 (1),

Transfer of
assets,
liabilities

- (a) if they relate to the distribution and supply of electrical power and pertain to an area in a town municipality, become assets under the control and management of and liabilities of the commission of that town municipality, without compensation;
- (b) if they relate to the production, treatment, distribution and supply of water and pertain to an area in the Town of Innisfil or the Amalgamated Town, become assets and liabilities of the Town of Innisfil or the Amalgamated Town, respectively, without compensation; and
- (c) if they relate to the production, treatment, distribution and supply of water and pertain to an area in the Town of Bradford West Gwillimbury, become assets under the control and management of and liabilities of the commission of the Town of Bradford West Gwillimbury, without compensation.

22.—(1) On the 1st day of January, 1991, every by-law and resolution of a former municipality and of a commission of a former municipality dissolved under subsection 17 (1),

By-laws,
resolutions
continued

- (a) if they relate to the distribution and supply of electrical power and pertain to an area in a town municipality, shall be deemed to be a by-law or resolution of the commission of the town municipality of which that area now forms a part;
- (b) if they relate to the production, treatment, distribution and supply of water and pertain to an area in the Town of Innisfil or the Amalgamated Town, shall be deemed to be a by-law or resolution of the Town of Innisfil or the Amalgamated Town respectively; and
- (c) if they relate to the production, treatment, distribution and supply of water and pertain to an area in the Town of Bradford West Gwillimbury, shall be

deemed to be a by-law or resolution of the commission of the Town of Bradford West Gwillimbury.

Idem

(2) A by-law or resolution deemed to continue under subsection (1) shall remain in force until the earlier of the date they are amended or repealed by the commission or the town municipality, as the case may be, and the 31st day of December, 1994.

Certain
by-laws,
resolutions
remain
effective

(3) Nothing in this section repeals or authorizes the amendment or repeal of by-laws or resolutions conferring rights, privileges, franchises, immunities or exemptions that could not have been lawfully repealed by the former municipality or by a commission of that former municipality dissolved under subsection 17 (1).

Distribution
of power to
continue
R.S.O. 1980,
c. 423

23. Subject to section 24 of this Act and despite section 18 of the *Public Utilities Act*, Ontario Hydro shall continue to distribute and supply power in those parts of each town municipality that Ontario Hydro served on the 31st day of December, 1990.

Additional
areas

24.—(1) A town municipality, without the assent of the municipal electors, may pass by-laws describing additional areas of that town municipality which shall be served with hydro-electric power by the commission of that town municipality.

By-law to be
passed

(2) Each town municipality shall pass a by-law under subsection (1) on or before the 31st day of December, 1991.

Effective
date

(3) If no notice of appeal is filed under subsection (12), a by-law under subsection (1) shall come into force on the thirtieth day after the expiry of the appeal period.

Idem

(4) If one or more appeals have been filed under subsection (12), a by-law under subsection (1), as amended by the Municipal Board, shall come into force on the thirtieth day after the final order of the Municipal Board is issued disposing of all the appeals.

Restriction

(5) A by-law under subsection (1) shall not be amended for five years unless both Ontario Hydro and the town municipality consent to an earlier amendment.

Application
respecting
by-law

(6) If the council of a town municipality has not complied with subsection (2), or more than five years have passed since the last by-law under subsection (1) has come into force in that town municipality, any person may apply to the council

of that town municipality requesting the council to pass or to amend a by-law under subsection (1).

(7) If an application under subsection (6) is refused or the council refuses or neglects to make a decision thereon within ninety days after receipt of the application by the clerk, the applicant may appeal to the Municipal Board and the Board shall hear the appeal and may,

Application
to O.M.B.

- (a) dismiss the appeal;
- (b) pass a by-law under subsection (1) which shall be deemed to be a by-law of that town municipality; or
- (c) amend a by-law under subsection (1) in such manner as the Board may determine,

and any such by-law or amendment comes into force thirty days after the day the order of the Board is issued.

(8) Before passing a by-law under this section, except a by-law passed or amended by the Municipal Board under subsection (7) or (19), the council of the town municipality shall ensure that sufficient information is made available to enable the public to understand generally the proposed by-law and, for this purpose, shall hold at least one public meeting, notice of which shall be given in the manner and in the form and to the persons and agencies prescribed.

Notice of
proposed
by-law

(9) The meeting under subsection (8) shall not be held sooner than twenty days after the requirements for the giving of notice have been complied with and any person who attends the meeting shall be afforded an opportunity to make representations in respect of the proposed by-law.

Public
meeting

(10) If a change is made in a proposed by-law after the holding of a meeting under subsection (8), the council is not required to give any further notice in respect of the proposed by-law.

Changes to
by-law

(11) Upon the passing of a by-law under this section, except a by-law passed or amended by the Municipal Board under subsection (7) or (19), the clerk of the town municipality shall give written notice of the passing of the by-law in the manner and in the form and to the persons and agencies prescribed and the notice shall specify the last day for filing a notice of appeal under subsection (12).

Notice of
by-law

(12) Any person may, not later than the twentieth day after the day that the giving of written notice as required by subsec-

Appeal to
O.M.B.

tion (11) is completed, appeal to the Municipal Board by filing with the clerk of the town municipality a notice of appeal setting out the objection to the by-law and the reasons in support of the objection.

Notice
completed

(13) For the purposes of subsection (12), the giving of written notice shall be deemed to be completed,

- (a) where notice is given by publication in a newspaper, on the day that such publication occurs;
- (b) where notice is given by personal service, on the day that the serving of all required notices is completed; and
- (c) where notice is given by mail, on the day that the mailing of all required notices is completed.

Statement of
clerk

(14) An affidavit or declaration of the clerk of the municipality that notice was given as required by subsection (11) or that no notice of appeal was filed under subsection (12) within the time allowed for appeal is conclusive evidence of the facts stated therein.

Record

(15) The clerk of the town municipality, upon receipt of a notice of appeal under subsection (12), shall compile a record which shall include,

- (a) a copy of the by-law certified by the clerk;
- (b) an affidavit or declaration duly sworn certifying that the requirements for the giving of notice as mentioned in subsection (11) have been complied with; and
- (c) the original or a true copy of all written submissions and material in support of the submissions received in respect of the by-law before the passing thereof.

Documents
to be
forwarded to
O.M.B.

(16) The clerk shall forward the notice of appeal and the record to the secretary of the Municipal Board within fifteen days of the expiry of the appeal period and shall provide such other information or material the Board may require in respect of the appeal.

Hearing

(17) The Municipal Board shall hold a hearing of which notice shall be given to such persons or bodies and in such manner as the Board may determine.

(18) Despite subsection (17), the Municipal Board may, where it is of the opinion that the reasons given for an appeal under subsection (7) or (12) are insufficient, dismiss the appeal without holding a full hearing but before so dismissing the appeal shall give the appellant an opportunity to make representations as to the merits of the appeal.

Early
dismissal

(19) The Municipal Board may dismiss the appeal or allow the appeal in whole or in part and repeal the by-law in whole or in part or amend the by-law in such manner as the Board may determine.

Powers of
O.M.B.

(20) A by-law under this section shall not have the effect of removing any area which was served with hydro-electric power by the commission of a town municipality on the day before the by-law comes into force from the service area of that commission.

Restriction

(21) In considering what additional areas of a town municipality should be added to the service area of the commission of that town municipality under this section, the town municipality and the Municipal Board shall have regard to the potential growth and development of the town municipality in the foreseeable future.

Criteria for
determination

(22) On the day a by-law comes into force in a town municipality under this section, the commission for that town municipality shall acquire the retail distribution facilities within the expanded service area of that commission used by Ontario Hydro in the retail distribution of power on the day before the by-law came into force, including equipment leased by Ontario Hydro to retail customers within the expanded service area for the use of that power.

Acquisition
of facilities

(23) The price of the facilities shall be equal to the original cost of the facilities less the sum of the accumulated net retail equity of the customers supplied with power through the facilities and the accumulated depreciation associated with the facilities.

Cost of
facilities

(24) In subsection (22), "retail distribution facilities" means works for the transmission and supply of power at voltages less than 50 kilovolts other than works located within a transformer station that transforms power from voltages greater than 50 kilovolts to voltages less than 50 kilovolts.

Definition

(25) In subsection (23), "accumulated net retail equity" means the portion of the equity accumulated through debt retirement appropriations recorded for the rural power district relating to Ontario Hydro's rural retail system plus the portion

Idem

of the balance recorded for rural retail customers in the Stabilization of Rates and Contingencies Account in the books of Ontario Hydro.

Regulations

(26) The Lieutenant Governor in Council may, upon the recommendation of the Minister, make regulations,

- (a) prescribing for the purpose of subsections (8) and (11), the persons and agencies that are to be given notice and the manner and form in which notice is to be given;
- (b) providing for the security of employment, the protection of benefits, including seniority and pensions, and early retirement options for employees of Ontario Hydro, town municipalities and the commission of the town municipalities affected by the expansion of the service area of a commission under this section;
- (c) exempting any matter related to the expansion of the service area of a commission under this section from the requirement of obtaining the assent of the electors of a town municipality;
- (d) deeming any matter related to the expansion of the service area of a commission under this section to be a matter within the meaning of subsection 149 (2) of the *Municipal Act*.

R.S.O. 1980,
c. 302

Arbitrator

25.—(1) If the purchase price of the retail distribution facilities of Ontario Hydro under subsection 24 (22) is not agreed upon within one year after the date on which the commission commences distributing and supplying power in its expanded service area, the commission or Ontario Hydro may, at any time thereafter, request that the purchase price be determined by a single arbitrator agreed on by the commission and Ontario Hydro.

R.S.O. 1980,
c. 25 applies

(2) The *Arbitrations Act* applies where a request is made under subsection (1).

Decision final

(3) The decision of an arbitrator under subsection (1) is not subject to appeal.

PART IV

POLICE SERVICES

26. The Board of Commissioners of Police of the Township of Innisfil and the committees of council of the Town of Bradford and the Town of Alliston responsible for policing are dissolved on the 1st day of January, 1991.

Dissolution

27.—(1) A board of commissioners of police is hereby established for each of the town municipalities on the 1st day of January, 1991.

Board of commissioners of police

(2) Each board established under subsection (1) shall be deemed to be a board established under section 8 of the *Police Act*.

Deemed board under R.S.O. 1980, c. 381

(3) After the 30th day of November, 1991, each board shall be composed of those members provided for under section 8 of the *Police Act*.

Composition of board

28. On the 1st day of January, 1991,

Transfer of assets and liabilities

- (a) the assets under the control and management of the Board of Commissioners of Police of the Township of Innisfil dissolved under section 26 and the liabilities of such board become assets under the control and management of and liabilities of the board of the Town of Innisfil, without compensation;
- (b) the assets and liabilities of the Town of Bradford related to policing become assets under the control and management of and liabilities of the board of the Town of Bradford West Gwillimbury, without compensation; and
- (c) the assets and liabilities of the Town of Alliston related to policing become assets under the control and management of and liabilities of the board of the Amalgamated Town, without compensation.

29.—(1) On the 1st day of January, 1991,

Continuation of by-laws, resolutions

- (a) all by-laws and resolutions of the Board of Commissioners of Police of the Township of Innisfil dissolved under this Part are continued as by-laws and resolutions of the board of the Town of Innisfil;
- (b) all by-laws and resolutions of the Town of Bradford relating to the governing of its police force are con-

tinued as by-laws and resolutions of the board of the Town of Bradford West Gwillimbury; and

- (c) all by-laws and resolutions of the Town of Alliston relating to the governing of its police force are continued as by-laws and resolutions of the board of the Amalgamated Town.

Limitation (2) By-laws and resolutions continued by clauses (1) (a), (b) and (c) apply only in the area of the Township of Innisfil, the Town of Bradford and the Town of Alliston, respectively.

Expiry (3) By-laws and resolutions continued by subsection (1) shall remain in force until the earlier of,

- (a) the date they are amended or repealed by the board; and

- (b) the 31st day of December, 1994.

Certain by-laws, resolutions remain effective (4) Nothing in this section repeals or authorizes the amendment or repeal of by-laws or resolutions conferring rights, privileges, franchises, immunities or exemptions that could not have been lawfully repealed or amended by the board or municipality which originally enacted the by-laws or resolutions.

Agreement respecting police services **30.—**(1) Subject to subsection (4), the Solicitor General, upon the application of the council of a town municipality or upon the joint application of the councils of the requesting municipalities of a town municipality described in subsection (2), shall enter into an agreement with the town municipality or the requesting municipalities of the town municipality, as the case may be, under section 64 of the *Police Act* for the Ontario Provincial Police Force to provide police services for five years, or such shorter time as may be requested, commencing the 1st day of January, 1991, in those areas of the town municipality in which the Ontario Provincial Police Force was providing police services on the 31st day of December, 1990.

Requesting municipalities (2) The requesting municipalities under subsection (1) are,

- (a) the Township of Innisfil and the Village of Cookstown for the Town of Innisfil;
- (b) the Town of Bradford and the Township of West Gwillimbury for the Town of Bradford West Gwillimbury;

- (c) the Town of Alliston, the Village of Beeton, the Township of Tecumseth and the Village of Tottenham for the Amalgamated Town.

(3) An application under subsection (1) shall be made no later than the 31st day of January, 1991.

Timing of application

(4) The Solicitor General may refuse to enter into an agreement to provide police services under subsection (1) unless the town municipality or the requesting municipalities of the town municipality, as the case may be,

Conditions to be met

- (a) agree to pay the compensation established by the Solicitor General for the police services; and
- (b) agree to purchase the type and level of police services that, in the opinion of the Solicitor General, is required to properly police the town municipality.

(5) An agreement under subsection (1) between the Solicitor General and the requesting municipalities of a town municipality shall on the 1st day of January, 1991 be deemed to be an agreement between the Solicitor General and the town municipality.

Transfer of agreement

31.—(1) If, on the 1st day of January, 1991, a town municipality does not have an agreement with the Solicitor General under section 30, the Ontario Provincial Police Force shall continue to provide police services in the area of the town municipality in which the Ontario Provincial Police Force was providing police services on the 31st day of December, 1990 until the Ontario Police Commission is satisfied the board of that town municipality has made adequate provision for the proper policing of the town municipality.

Where no agreement

(2) The cost of the Ontario Provincial Police Force providing police services under subsection (1) shall be charged to the town municipality and may be deducted from any grant payable out of provincial funds to the town municipality or may be recovered with costs by action in any court of competent jurisdiction as a debt due to the Crown.

Payment for police services

PART V

PUBLIC LIBRARIES

32.—(1) All library boards of the former municipalities are dissolved on the 1st day of January, 1991, and their assets and liabilities pertaining to the area in a particular town

Transfer of assets, liabilities

municipality are transferred to the board for that town municipality established under subsection (2), without compensation.

Library
boards
established

(2) A public library board for each town municipality is hereby established on the 1st day of January, 1991, and each board shall be deemed to be a public library board under Part I of the *Public Libraries Act, 1984*.

1984, c. 57

Continuation
of by-laws,
etc.

(3) All by-laws, rules, regulations and fees pertaining to the area in a particular town municipality passed or established by the boards dissolved under subsection (1) are continued as by-laws, rules, regulations and fees of the board for that town municipality established under subsection (2) and shall remain in force until the earlier of,

(a) the date they are amended or repealed by the board; and

(b) the 31st day of December, 1994.

Certain
by-laws
continued

(4) Nothing in this section repeals or authorizes the amendment or repeal of by-laws conferring rights, privileges, franchises, immunities or exemptions that could not have been lawfully repealed by a board dissolved under subsection (1).

PART VI

FINANCES

Definitions

33. In this Part,

“average municipal commercial mill rate” means, in respect of a local municipality, the rate obtained by dividing the total of taxes levied for all purposes, other than for school purposes and other than under sections 32 and 33 of the *Assessment Act*, on the commercial assessment for the second preceding year by the total commercial assessment for the second preceding year and multiplying the result by 1,000;

R.S.O. 1980,
c. 31

“commercial assessment” means commercial assessment as defined in clause 1 (1) (b) of the *Ontario Unconditional Grants Act*;

R.S.O. 1980,
c. 359

“discounted assessment” means, for a local municipality or for a merged area, the sum of,

(a) the product obtained by multiplying the residential and farm assessment for that local municipality or

that merged area by its prescribed discount factor,
and

- (b) the commercial assessment for that local municipality or that merged area;

“discounted equalized assessment” means,

- (a) for each local municipality, the sum of the discounted assessment and the equivalent assessment of that local municipality divided by its prescribed equalization factor and multiplied by 100, and
- (b) for each merged area, the discounted assessment of the merged area divided by its prescribed equalization factor and multiplied by 100;

“equivalent assessment” means, for a local municipality, except a town municipality, the assessment obtained by dividing that portion of its payments in lieu of taxes in the second preceding year, as defined in clause 365 (1) (j) of the *Municipal Act*, not allocated for school purposes, by the average municipal commercial mill rate and multiplying the result by 1,000;

R.S.O. 1980,
c. 302

“local municipality” means a town, village and township which forms part of the County for municipal purposes;

“merged area” means,

- (a) in the case of the Town of Innisfil, the area of the Township of Innisfil, the Village of Cookstown, the portion of the Township of Tecumseth forming part of the said town, or the portion of the Township of West Gwillimbury forming part of the said town,
- (b) in the case of the Town of Bradford West Gwillimbury, the area of the Town of Bradford, the portion of the Township of West Gwillimbury forming part of the Town of Bradford West Gwillimbury or the portion of the Township of Tecumseth forming part of the Town of Bradford West Gwillimbury, and
- (c) in the case of the Amalgamated Town, the area of the Town of Alliston, the Village of Beeton, the Village of Tottenham, or the portion of the Township of Tecumseth forming part of the Amalgamated Town;

“net county levy” means the amount required for County purposes under subsection 365 (6) of the *Municipal Act* including the sums required for any board, commission or other body, apportioned to each local municipality by the County;

“net lower tier levy” means the amount required for the purposes of a local municipality under section 164 of the *Municipal Act* including the sums required for any board, commission or other body, but excluding amounts required to be raised for County and school purposes or for a special rate imposed under section 42;

“residential and farm assessment” means residential and farm assessment as defined in clause 7 (1) (e) of the *Ontario Unconditional Grants Act*.

Prescribed
factors

34.—(1) For purposes of apportioning the net county levy or the net lower tier levy among the merged areas, the Minister may, in each year, prescribe the equalization factor and the discount factor to apply for that year to each local municipality within the County and each merged area.

Notification
by Minister

(2) For purposes of determining the discounted equalized assessment for each town municipality, the Ministry of Municipal Affairs may, in each year, calculate and notify the treasurer of the County of the equivalent assessment for each town municipality.

Annual
County
apportion-
ments
R.S.O. 1980,
c. 302

(3) Despite subsection 365 (6) of the *Municipal Act*, the treasurer of the County shall determine,

- (a) the discounted equalized assessment of each local municipality in the County;
- (b) the discounted equalized assessment of the County; and
- (c) the percentage share of apportionment, correct to three decimal places, for each local municipality by dividing the discounted equalized assessment for each local municipality by the discounted equalized assessment of the County and multiplying the result by 100.

Notification
by Minister

35.—(1) In each year, the Ministry of Municipal Affairs shall calculate and notify each town municipality of the discounted equalized assessment for each merged area of that town municipality.

(2) Despite subsection 7 (2) of the *Ontario Unconditional Grants Act*, the net county levy and the net lower tier levy of a town municipality shall be levied against the whole rateable property, including business assessment thereon, of that town municipality and apportioned between the merged areas of that town municipality in the proportion that the discounted equalized assessment for each merged area of that town municipality bears to the total discounted equalized assessment of all merged areas of that town municipality.

How levies
apportioned
R.S.O. 1980,
c. 359

(3) The rates to be levied in each merged area of a town municipality shall be determined in accordance with subsection 7 (3) of the *Ontario Unconditional Grants Act*.

Idem

36.—(1) Despite section 35, the council of a town municipality may by by-law in any year, before the adoption of the estimates for that year, levy such rates as it may determine in each of the merged areas of that town municipality on the rateable commercial assessment and on the rateable residential and farm assessment in the merged area.

Interim levy

(2) A by-law for levying rates under subsection (1) shall be passed in the year that the rates are to be levied or may be passed in December of the preceding year if it provides that it does not come into force until a specified day in the following year.

When by-law
to be passed

(3) The rate that may be levied on any assessment under subsection (1) shall not exceed 50 per cent of the total of the rates that were levied or would have been levied on that assessment for all purposes in the preceding year.

Amount

(4) If the assessment roll for taxation in the current year has not been returned, the rate levied under subsection (1) may be levied on the assessment according to the assessment roll used for taxation purposes in the preceding year.

Idem

(5) The amount of any levy under subsection (1) shall be deducted from the amount of the levies made under subsection 35 (2) of this Act and under Parts IV and VIII of the *Education Act*.

Deduction

R.S.O. 1980,
c. 129

(6) The provisions of the *Municipal Act* respecting the levying of rates and collection of taxes apply to the levying of rates and collection of taxes under this section.

R.S.O. 1980,
c. 302 applies

37.—(1) For the purposes of levying taxes under Parts IV and VIII of the *Education Act*, the merged areas shall be deemed to be municipalities, and the council of a town munic-

Deeming
provision in
respect of
R.S.O. 1980,
c. 129

ipality shall be deemed to be the council of each merged area of that town municipality.

Regulations

(2) The Lieutenant Governor in Council may each year make regulations providing for the apportionment of the sums required by The Simcoe County Board of Education and the Simcoe County Roman Catholic Separate School Board with respect to any local municipality or merged area or parts thereof that are wholly or partly within their area of jurisdiction.

Reassessment

R.S.O. 1980,
c. 31

38. When a town municipality is reassessed under section 63 or section 70 of the *Assessment Act*,

- (a) the merged areas of that town municipality cease to exist; and
- (b) subsections 34 (1) and (2) and sections 35, 36 and 37 cease to apply to that town municipality.

County-wide
assessment

R.S.O. 1980,
c. 302

39. Sections 34 to 38 of this Act and sections 365, 366 and 368 of the *Municipal Act* cease to apply to the County and the local municipalities if the County has been subject to an assessment update under section 368b of the *Municipal Act*.

Rates,
subsequent
years

40. The Minister may by order provide that in the year or years and in the manner specified in the order, the council of a town municipality shall levy, on the real property and business assessment according to the last returned assessment roll in any specified merged area or in any other area specified in the order, rates of taxation for general purposes and rates and charges for special purposes that are different from the rates which would have been levied for such purposes but for this section.

Grants or
loans

41. The Minister may by order before the 1st day of January, 2000, on such conditions as the Minister considers appropriate, make grants or loans to the town municipalities, the former municipalities and the County to achieve the purposes of this Act.

Definitions

42.—(1) In this section,

“urban service” means a service of a town municipality not being provided generally throughout that town municipality or not benefiting lands in that town municipality equally, and includes any liability incurred by a former municipality with respect to such service;

“urban service area” means the area or rateable property, including the business assessment thereon, designated in a by-law under clause (2) (c) or in an order under clause (4) (c).

(2) The council of a town municipality may, with the approval of the Municipal Board, by by-law,

By-laws
respecting
urban
services

- (a) identify an urban service;
- (b) define which costs of that town municipality are related to that urban service;
- (c) designate upon what area or rateable property, including business assessment thereon, of that town municipality the related costs should be raised;
- (d) levy a special rate on that area or rateable property, including the business assessment thereon, to raise the whole or part of the related costs; and
- (e) amend or dissolve an urban service area established under this section.

(3) The rates to be levied within each urban service area shall be determined in accordance with subsection 7 (3) of the *Ontario Unconditional Grants Act*.

Determina-
tion of
rates
R.S.O. 1980,
c. 359

(4) Before the 1st day of January, 1991, the Minister, upon the joint application of the councils of all former municipalities which will form part of a particular town municipality, may make an order to be effective no earlier than the 1st day of January, 1991, that,

Minister's
order

- (a) identifies an urban service;
- (b) defines which costs of that town municipality will relate to that urban service; and
- (c) designates upon what area or rateable property, including business assessment thereon, of the town municipality the related costs shall be raised.

(5) Where an order under subsection (4) creating an urban service area is in force and has not been amended under subsection (6), the council of a town municipality may pass a by-law under clause (2) (d) related to that urban service area without the approval of the Municipal Board.

Where
O.M.B.
approval not
required

Amendment
or repeal of
order

(6) The council of a town municipality may, with the approval of the Municipal Board, by by-law amend or repeal an order under subsection (4).

PART VII

MISCELLANEOUS

Committee of
referees

43.—(1) The Minister may, on or before the 1st day of September, 1990, appoint committees of referees to make adjustments of assets and liabilities arising from any amalgamation or dissolution under this Act.

Composition
of committee

(2) Each committee shall consist of one or more treasurers of the former municipalities directly affected by the adjustment of particular assets and liabilities and such other persons as the Minister may appoint.

Provisional
adjustments

(3) Before the 31st day of December, 1990, the committees shall make provisional adjustments of the known assets and liabilities and these adjustments shall become operative from the 1st day of January, 1991.

Final
adjustments

(4) Before the 30th day of June, 1991, the committees shall determine the final adjustments of the assets and liabilities as of the 31st day of December, 1990.

Copy of
decision to
parties
affected

(5) The committee of referees shall within thirty days of making the determination under subsection (4) forward its decision to the town municipalities and local boards directly affected by the adjustments.

Appeal to
board of
arbitrators

(6) Any town municipality or local board directly affected by a decision under subsection (4) may, within thirty days of receiving the decision under subsection (5), appeal the decision to a board of arbitrators established under subsection (7) which shall determine the matter after a hearing.

Appointment
by Minister

(7) The Minister shall appoint a board of arbitrators to make adjustments of assets and liabilities arising from any amalgamation or dissolution under this Act.

Certain
provision of
R.S.O. 1980,
c. 25 apply

(8) Sections 3 to 5, 7, 9 to 11 and 13 to 15 of the *Arbitrations Act* and the Schedule to that Act apply to an arbitration under this section.

Decisions of
board
binding

(9) The decisions of the board of arbitrators are binding on the town municipalities and local boards and are not subject to appeal.

(10) A decision of a committee of referees or of the board of arbitrators under this section may provide for any financial adjustments among the town municipalities and the local boards thereof which in its opinion are necessary as a result of the adjustments of assets and liabilities under this Act.

Financial
adjustments

44.—(1) Subject to subsection (2), for 1991 and each subsequent year the maximum contribution that the County may make to a town municipality under section 59 of the *Public Transportation and Highway Improvement Act* shall not exceed the total of the contributions the County made under that section in 1990 to former municipalities that now form part of that town municipality.

Contributions
under
R.S.O. 1980,
c. 421

(2) The maximum contribution the County may make to a town municipality in any year shall be increased by the percentage by which the total County levy for road purposes in that year on all municipalities forming part of the County for municipal purposes exceeds the total County levy for road purposes in 1990.

Increases

45.—(1) Subject to subsection (2), section 58 of the *Public Transportation and Highway Improvement Act* does not apply to roads of a town municipality located in the Township of Innisfil, the Township of Tecumseth or the Township of West Gwillimbury.

R.S.O. 1980,
c. 421, s. 58
does not
apply

(2) The Lieutenant Governor in Council may, upon the recommendation of the Minister, make regulations providing that section 58 of the *Public Transportation and Highway Improvement Act* applies to any road located in the Township of Innisfil, the Township of Tecumseth and the Township of West Gwillimbury.

Regulations

46.—(1) No former municipality shall, without the approval of the Minister, dispose of any real property located in,

Limitation on
disposal of
real property

- (a) the portion of the Township of West Gwillimbury to be amalgamated with the Town of Innisfil under clause 2 (1) (a);
- (b) the portion of the Township of Tecumseth to be amalgamated with the Town of Innisfil under clause 2 (1) (a); or
- (c) the portion of the Township of Tecumseth to be amalgamated with the Town of Bradford West Gwillimbury under clause 2 (1) (b).

Retroactive
application

(2) Any transaction made by a former municipality after the 6th day of June, 1990 that purports to dispose of real property without obtaining the approval of the Minister is void.

Conservation
authorities
R.S.O. 1980,
c. 85

47.—(1) Despite this Act and section 2 of the *Conservation Authorities Act*, on and after the 1st day of January, 1991, every person who was a representative of a former municipality on a conservation authority on the 31st day of December, 1990, shall continue to hold that office until the town municipality for which that member is deemed to be a representative under subsection (2) makes its new appointments under section 2 of the *Conservation Authorities Act* following the 1991 regular election.

Idem

(2) A representative of a former municipality whose term is continued under subsection (1) shall,

- (a) in the case of a representative appointed by the Village of Cookstown or the Township of Innisfil, be deemed to be a representative of the Town of Innisfil;
- (b) in the case of a representative appointed by the Town of Bradford or the Township of West Gwillimbury, be deemed to be a representative of the Town of Bradford West Gwillimbury; and
- (c) in the case of a representative appointed by the Town of Alliston, the Village of Beeton, the Township of Tecumseth or the Village of Tottenham, be deemed to be a representative of the Amalgamated Town.

PART VIII

TRANSITIONAL PROVISIONS

Definition

48. In this Part, “pre-election period” means the period from the 1st day of January, 1991 until the 30th day of November, 1991, inclusive.

Transition,
composition
of council
R.S.O. 1980,
c. 302

49.—(1) Despite section 32 of the *Municipal Act*, during the pre-election period, the council of each town municipality shall consist of the members described under this section.

Town of
Innisfil

(2) The council of the Town of Innisfil shall be composed of,

- (a) a mayor, who shall be the person who was the reeve of the Township of Innisfil on the 31st day of December, 1990;
- (b) a reeve, who shall be the person who was the deputy reeve of the Township of Innisfil on the 31st day of December, 1990;
- (c) a deputy reeve, who shall be the person who was the reeve of the Village of Cookstown on the 31st day of December, 1990;
- (d) five members who shall be the persons who were the members of the council, except the reeve and deputy reeve, of the Township of Innisfil on the 31st day of December, 1990; and
- (e) four members who shall be the persons who were the members of council, except the reeve, of the Village of Cookstown on the 31st day of December, 1990.

(3) The council of the Town of Bradford West Gwillimbury shall be composed of,

Town of
Bradford
West
Gwillimbury

- (a) a mayor, who shall be the person who was the mayor of the Town of Bradford on the 31st day of December, 1990;
- (b) a deputy mayor, who shall be the person who was the reeve of the Township of West Gwillimbury on the 31st day of December, 1990;
- (c) a reeve, who shall be the person who was the reeve of the Town of Bradford on the 31st day of December, 1990;
- (d) two deputy reeves, who shall be the persons who were the deputy reeve of the Town of Bradford and the deputy reeve of the Township of West Gwillimbury on the 31st day of December, 1990;
- (e) four members who shall be the persons who were the members of the council, except the mayor, reeve and deputy reeve, of the Town of Bradford on the 31st day of December, 1990; and
- (f) three members who shall be the persons who were the members of the council, except the reeve and

deputy reeve, of the Township of West Gwillimbury on the 31st day of December, 1990.

Amalgamated
Town

(4) The council of the Amalgamated Town shall be composed of,

- (a) a mayor, who shall be the person who was the mayor of the Town of Alliston on the 31st day of December, 1990;
- (b) a deputy mayor, who shall be the person who was the reeve of the Township of Tecumseth on the 31st day of December, 1990;
- (c) a reeve, who shall be the person who was the reeve of the Village of Tottenham on the 31st day of December, 1990;
- (d) a deputy reeve, who shall be the person who was the reeve of the Village of Beeton on the 31st day of December, 1990;
- (e) a county councillor, who shall be the person who was the reeve of the Town of Alliston on the 31st day of December, 1990;
- (f) five members who shall be the persons who were the members of council, except the mayor and the reeve, of the Town of Alliston on the 31st day of December, 1990;
- (g) four members who shall be the persons who were the members of council, except the reeve, of the Township of Tecumseth on the 31st day of December, 1990;
- (h) four members who shall be the persons who were the members of council, except the reeve, of the Village of Tottenham on the 31st day of December, 1990; and
- (i) four members who shall be the persons who were the members of council, except the reeve, of the Village of Beeton on the 31st day of December, 1990.

First meeting

(5) The first meeting of a council established under this section shall be held not later than the 9th day of January, 1991.

(6) A member of a council established under this section has only one vote. One vote

(7) Despite sections 37 and 38 of the *Municipal Act*, a member of a council established under this section shall not be disqualified from holding that office because of any loss of qualification resulting solely from the amalgamations under section 2. Disqualifi-
cations

50.—(1) During the pre-election period, the five wards of the Township of Innisfil shall continue as the five wards of the Town of Innisfil except that, Transition,
Township of
Innisfil

(a) the area of the Village of Cookstown, the portion of the Township of Tecumseth described firstly in Schedule A and the portion of the Township of West Gwillimbury described in Schedule E are added to Ward 1; and

(b) the portion of the Township of West Gwillimbury described in Schedule F is added to Ward 2.

(2) The five members of the council of the Town of Innisfil described in clause 49 (2) (d) shall represent the same wards, as modified under subsection (1), as they represented in the Township of Innisfil. Idem

(3) In addition to the Ward 1 representative under subsection (2), the four members of the council of the Village of Cookstown described in clause 49 (2) (e) shall represent Ward 1 as modified under subsection (1). Idem

51.—(1) During the pre-election period, Transition,
County
Council

(a) the Town of Innisfil shall be represented on County Council by its mayor, reeve and deputy reeve;

(b) the Town of Bradford West Gwillimbury shall be represented on County Council by its deputy mayor and reeve; and

(c) the Amalgamated Town shall be represented on County Council by its deputy mayor, reeve, deputy reeve and county councillor.

(2) The members of County Council under subsection (1) shall have a total of seventeen votes of which, Voting

- (a) the mayor of the Town of Innisfil and the reeve of the Town of Bradford West Gwillimbury shall each have three votes;
- (b) the reeve of the Town of Innisfil, the deputy mayor of the Town of Bradford West Gwillimbury and the deputy mayor and the county councillor of the Amalgamated Town shall each have two votes; and
- (c) the deputy reeve of the Town of Innisfil and the reeve and deputy reeve of the Amalgamated Town shall each have one vote.

First meeting

(3) The first meeting of County Council in 1991 shall be held after each of the councils of the town municipalities has held its first meeting under subsection 49 (5) but, in any event, not later than the 22nd day of January, 1991.

Vacancies,
voting

(4) Sections 15 and 16 apply to the members of County Council during the pre-election period.

Transition,
public utility
commission
R.S.O. 1980,
c. 423

52.—(1) Despite section 41 of the *Public Utilities Act*, the hydro-electric commission of a town municipality shall, during the pre-election period, be composed of,

- (a) in the case of the commission of the Town of Innisfil, the members of the committee of council of the Village of Cookstown dissolved under subsection 17 (1);
- (b) in the case of the commission of the Town of Bradford West Gwillimbury, the members of the public utility commission of the Town of Bradford dissolved under subsection 17 (1) and the person who was the reeve of the Township of West Gwillimbury on the 31st day of December, 1990; and
- (c) in the case of the commission of the Amalgamated Town,
 - (i) the members of the public utility commissions of the Town of Alliston and the Village of Tottenham dissolved under subsection 17 (1),
 - (ii) the person who was the reeve of the Village of Beeton on the 31st day of December, 1990, and

- (iii) the person who was the reeve of the Township of Tecumseth on the 31st day of December, 1990.

(2) Sections 19 and 20 apply to the members of a commission during the pre-election period. Term,
delegation

53.—(1) During the pre-election period, the boards established under subsection 27 (1) shall be composed of the members described in this section. Transition,
police
services

(2) The board of the Town of Innisfil shall be composed of, Town of
Innisfil

- (a) the members of the Board of Commissioners of Police of the Township of Innisfil dissolved under section 26;
- (b) the person who was the reeve of the Village of Cookstown on the 31st day of December, 1990; and
- (c) one other person appointed by the Lieutenant Governor in Council.

(3) The board of the Town of Bradford West Gwillimbury shall be composed of, Town of
Bradford
West
Gwillimbury

- (a) the person who was the mayor of the Town of Bradford on the 31st day of December, 1990;
- (b) the person who was the reeve of the Township of West Gwillimbury on the 31st day of December, 1990; and
- (c) three other persons appointed by the Lieutenant Governor in Council.

(4) The board of the Amalgamated Town shall be composed of, Amalgamated
Town

- (a) the person who was the mayor of the Town of Alliston on the 31st day of December, 1990;
- (b) a person who is a qualified elector of the Amalgamated Town, appointed by the council of the Amalgamated Town at its first meeting in 1991; and
- (c) three other persons appointed by the Lieutenant Governor in Council.

Transition,
libraries
1984, c. 57

54. Despite section 9 of the *Public Libraries Act, 1984* during the pre-election period, two of the members appointed by the council of the Town of Innisfil to the public library board for the Town of Innisfil established under subsection 32 (2), shall be qualified electors of the Town of Innisfil in the area of the Village of Cookstown.

PART IX

CONSEQUENTIAL AMENDMENTS AND COMMENCEMENT

R.S.O. 1980,
c. 497

55. Paragraph 34 of section 1 of the *Territorial Division Act* is amended,

(a) by repealing clause (b) and substituting the following:

(b) the Town of the Amalgamated Municipalities of Alliston, Beeton, Tecumseth and Tottenham;

(ba) the towns of Bradford West Gwillimbury, Collingwood, Innisfil, Midland, Penetanguishene, Stayner, Wasaga Beach;

(b) by striking out "Beeton" and "Cookstown" in the first line of clause (c) and "Tottenham" in the second line of clause (c); and

(c) by striking out "Innisfil" in the first column of clause (d) and "Tecumseth" and "West Gwillimbury" in the second column of clause (d).

Commence-
ment

56.—(1) This Act, except sections 5 and 55, comes into force on the day it receives Royal Assent.

Idem

(2) Section 5 comes into force on the 1st day of December, 1991.

Idem

(3) Section 55 comes into force on the 1st day of January, 1991.

Short title

57. The short title of this Act is the *County of Simcoe Act, 1990*.

SCHEDULE A

The land described as follows:

Firstly: Part of the Township of Tecumseth, commencing at the intersection of the easterly boundary of the Township of Tecumseth and the easterly prolongation of the southerly limit of the northerly half of Lot 24 in Concession XIII;

Thence westerly to and along the southerly limit of the northerly half of lots 24, 23 and 22 in Concession XIII to the westerly limit of Lot 22;

Thence northerly along the westerly limit of Lot 22 in concessions XIII, XIV and XV and the northerly prolongation thereof to the northerly boundary of the Township of Tecumseth;

Thence easterly along the northerly boundary of the Township of Tecumseth to the westerly boundary of the Village of Cookstown;

Thence southerly and easterly along the southwesterly boundaries of the Village of Cookstown to the easterly boundary of the Township of Tecumseth;

Thence southerly along the easterly boundary of the Township of Tecumseth to the point of commencement;

Secondly: Part of the Township of West Gwillimbury, commencing at the intersection of the westerly boundary of the Township of West Gwillimbury and the westerly prolongation of the southerly limit of the northerly half of Lot 1 in Concession XIII;

Thence easterly to and along the southerly limit of the northerly half of Concession XIII to the southeasterly angle of the northerly half of Lot 23;

Thence easterly along the easterly prolongation of the southerly limit of the northerly half of Lot 23 in Concession XIII to the middle of Cook's Bay of Lake Simcoe being a point on a line measured north 15° east from the middle of the mouth of the Holland River in accordance with subsection 12 (1) of the *Territorial Division Act*;

Thence north 15° east along the middle of Cook's Bay 2,900 metres to intersect the easterly prolongation of the northerly boundary of the Township of West Gwillimbury;

Thence westerly to and along the northerly boundary of the Township of West Gwillimbury to the easterly boundary of the Village of Cookstown;

Thence southwesterly along the southeasterly boundaries of the Village of Cookstown to the westerly boundary of the Township of West Gwillimbury;

Thence southerly along the westerly boundary of the Township of West Gwillimbury to the point of commencement.

SCHEDULE B

The land described as follows:

Part of the Township of West Gwillimbury, commencing at the south-westerly angle of the Township of West Gwillimbury;

Thence northerly along the westerly boundary of the Township of West Gwillimbury to intersect the westerly prolongation of the northerly limit of the southerly half of Lot 1 in Concession XIII;

Thence easterly to and along the northerly limit of the southerly half of Concession XIII to the southeasterly angle of the northerly half of Lot 23 in Concession XIII;

Thence easterly along the easterly prolongation of the southerly limit of the northerly half of Lot 23 in Concession XIII to the middle of Cook's Bay of Lake Simcoe being a point on a line measured north 15° east from the middle of the mouth of the Holland River in accordance with subsection 12 (1) of the *Territorial Division Act*;

Thence south 15° west 750 metres to the middle of the mouth of the Holland River;

Thence southwesterly along the middle of the main channel of the Holland River to the westerly boundary of the Township of West Gwillimbury;

Thence northerly along the westerly boundary of the Township of West Gwillimbury to the point of commencement;

Excluding the lands lying within the Town of Bradford.

SCHEDULE C

The land described as follows:

Part of the Township of Tecumseth, commencing at the southeasterly angle of the Township of Tecumseth;

Thence westerly along the southerly boundary of the Township of Tecumseth to intersect the southerly prolongation of the westerly limit of Lot 23 in Concession I;

Thence northerly to and along the westerly limit of Lot 23 in concessions I, II, III, IV, V, VI, VII, VIII, IX, X, XI, XII and XIII to the northerly limit of the southerly half of Lot 23 in Concession XIII;

Thence easterly along the northerly limit of the southerly half of lots 23 and 24 in Concession XIII and the easterly prolongation thereof to the easterly boundary of the Township of Tecumseth;

Thence southerly along the easterly boundary of the Township of Tecumseth to the point of commencement.

SCHEDULE D

The land described as follows:

Part of the Township of Tecumseth commencing at the southwesterly angle of the Township of Tecumseth;

Thence easterly along the southerly boundary of the Township of Tecumseth to intersect the southerly prolongation of the easterly limit of Lot 22 in Concession I;

Thence northerly to and along the easterly limit of Lot 22 in concessions I, II, III, IV, V, VI, VII, VIII, IX, X, XI, XII and XIII to the northerly limit of the southerly half of Lot 22 in Concession XIII;

Thence westerly along the northerly limit of the southerly half of Lot 22 to the westerly limit of the northerly half of Lot 22;

Thence northerly along the westerly limit of Lot 22 in concessions XIII, XIV and XV and the northerly prolongation thereof to the northerly boundary of the Township of Tecumseth;

Thence westerly along the northerly boundary of the said Township to the easterly boundary of the Town of Alliston;

Thence southwesterly along the southeasterly boundaries of the said Town to the westerly boundary of the Township of Tecumseth;

Thence southerly along the westerly boundary of the said Township to the point of commencement;

Excluding the lands lying within the Village of Beeton and the Village of Tottenham.

SCHEDULE E

The land described as follows:

Commencing at the intersection of the northerly boundary of the Township of West Gwillimbury and the westerly limit of Lot 20 in Concession XV;

Thence southerly along the westerly limit of Lot 20 in concessions XV, XIV and XIII to the southerly limit of the northerly half of Lot 20 in Concession XIII;

Thence westerly along the southerly limit of the northerly half of Concession XIII to the westerly boundary of the Township of West Gwillimbury;

Thence northerly along the westerly boundary of the said Township to the southerly boundary of the Village of Cookstown;

Thence northeasterly along the southerly and easterly boundaries of the said Village to the northerly boundary of the Township of West Gwillimbury;

Thence easterly along the northerly boundary of the said Township to the point of commencement.

SCHEDULE F

The land described as follows:

Commencing at the intersection of the northerly boundary of the Township of West Gwillimbury and the westerly limit of Lot 20 in Concession XV;

Thence southerly along the westerly limit of Lot 20 in concessions XV, XIV and XIII to the southerly limit of the northerly half of Lot 20 in Concession XIII;

Thence easterly along the southerly limit of the northerly half of lots 20, 21, 22 and 23 to the southeasterly angle of the northerly half of Lot 23;

Thence easterly along the easterly prolongation of the southerly limit of the northerly half of Lot 23 in Concession XIII to the easterly boundary of the Township of West Gwillimbury;

Thence northerly along the easterly boundary of the said Township of the northeasterly angle of the said Township;

Thence westerly along the northerly boundary of the said Township to the point of commencement.

Bill 177



An Act respecting the Amalgamation of certain Municipalities in the County of Simcoe

The Hon. J. Sweeney
Minister of Municipal Affairs

1st Reading June 6th, 1990
2nd Reading June 19th, 1990
3rd Reading
Royal Assent

(Reprinted as amended by the Committee of the Whole House)

EXPLANATORY NOTE

The purpose of the Bill is to amalgamate the following municipalities located in the County of Simcoe on the 1st day of January, 1991:

1. The Township of Innisfil, the Village of Cookstown and those portions of the Township of West Gwillimbury and the Township of Tecumseth described in Schedule A are amalgamated under the name of The Corporation of the Town of Innisfil.
2. The Town of Bradford, the portions of the Township of West Gwillimbury described in Schedule B and the portion of the Township of Tecumseth described in Schedule C are amalgamated under the name of The Corporation of the Town of Bradford West Gwillimbury.
3. The Town of Alliston, the Village of Beeton, the Village of Tottenham and the portion of the Township of Tecumseth described in Schedule D are amalgamated under the name of The Corporation of the Town of the Amalgamated Municipalities of Alliston, Beeton, Tecumseth and Tottenham.

Bill 177

1990

An Act respecting the Amalgamation of certain Municipalities in the County of Simcoe

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HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Definitions

1.—(1) In this Act,

“Amalgamated Town” means The Corporation of the Town of the Amalgamated Municipalities of Alliston, Beeton, Tecumseth and Tottenham;

“County” means The Corporation of the County of Simcoe;

“County Council” means the council of the County;

“former municipality” means The Corporation of the Town of Alliston, The Corporation of the Town of Bradford, The Corporation of the Township of Innisfil, The Corporation of the Township of Tecumseth, The Corporation of the Township of West Gwillimbury, The Corporation of the Village of Beeton, The Corporation of the Village of Cookstown or The Corporation of the Village of Tottenham as they existed before the 1st day of January, 1991;

“Minister” means the Minister of Municipal Affairs;

“Municipal Board” means the Ontario Municipal Board;

“prescribed” means prescribed by the regulations;

“qualified elector” means a qualified elector under the *Municipal Elections Act*;

R.S.O. 1980,
c. 308

“town municipality” means The Corporation of the Town of Innisfil, The Corporation of the Town of Bradford West Gwillimbury or The Corporation of the Town of the Amalgamated Municipalities of Alliston, Beeton, Tecumseth and Tottenham created by the amalgamations under section 2.

(2) A reference in this Act to the Town of Innisfil, the Town of Bradford West Gwillimbury or the Amalgamated Town is a reference to the geographic area comprising those municipalities or a reference to the municipal corporation bearing that name, as the context requires. Idem

PART I

TOWN MUNICIPALITIES

2.—(1) On the 1st day of January, 1991,

Amalgamations

- (a) the Township of Innisfil, the Village of Cookstown and those portions of the Township of West Gwillimbury and the Township of Tecumseth described in Schedule A are amalgamated as a town municipality under the name of The Corporation of the Town of Innisfil;
- (b) the Town of Bradford, the portion of the Township of West Gwillimbury described in Schedule B and the portion of the Township of Tecumseth described in Schedule C are amalgamated as a town municipality under the name of The Corporation of the Town of Bradford West Gwillimbury; and
- (c) the Town of Alliston, the Village of Beeton, the Village of Tottenham and the portion of the Township of Tecumseth described in Schedule D are amalgamated as a town municipality under the name of The Corporation of the Town of the Amalgamated Municipalities of Alliston, Beeton, Tecumseth and Tottenham.

(2) The Town of Innisfil shall be deemed to be a township for all purposes related to the Police Village of Thornton.

Deemed township

(3) Upon the application of The Corporation of the Township of Essa, the Township of Innisfil or the Town of Innisfil, the Municipal Board may by order on such terms as it considers expedient, dissolve the Police Village of Thornton.

Application to O.M.B.

(4) Section 25 of the *Municipal Act* applies with necessary modifications to an application and a dissolution under subsection (3).

Application of R.S.O. 1980, c. 302, s. 25

(5) The Town of Innisfil may continue any application by the Township of Innisfil under subsection (3).

Continuation of application

R.S.O. 1980,
c. 347, ss. 94
and 95 do
not apply

(6) Sections 94 and 95 of the *Ontario Municipal Board Act* do not apply to decisions or orders of the Municipal Board under subsection (3).

Change of
name

(7) During 1992 the Minister may by order alter the name of the Amalgamated Town.

Composition
of town
council
R.S.O. 1980,
c. 302

3.—(1) Despite section 32 of the *Municipal Act*, commencing the 1st day of December, 1991, the council of each town municipality shall be composed of a mayor and a county councillor who shall be elected by general vote and seven additional members who shall be elected by wards.

One vote

(2) Each member of a council of a town municipality has one vote.

No board of
control

(3) A town municipality shall not have a board of control.

Joint
proposal

4.—(1) A joint proposal shall be submitted on behalf of each future town municipality to the Minister, no later than the 1st day of October, 1990, to divide each town municipality into wards and the proposal shall contain the number of wards, the boundaries of each ward and the number of members of council to be elected from each ward in that town municipality.

Idem

(2) The joint proposal shall be submitted,

- (a) on behalf of the future Town of Innisfil, by the councils of the Township of Innisfil and the Village of Cookstown;
- (b) on behalf of the future Town of Bradford West Gwillimbury, by the councils of the Town of Bradford and the Township of West Gwillimbury; and
- (c) on behalf of the future Amalgamated Town, by the councils of the Town of Alliston, the Village of Beeton, the Township of Tecumseth and the Village of Tottenham.

Order of
Minister

(3) After the expiration of the time for the submission of proposals under subsection (1), the Minister shall by order establish for each town municipality,

- (a) the number of wards;
- (b) the boundaries of the wards; and

- (c) the number of members of council, up to a maximum of two members, to be elected from each ward.

(4) An order under subsection (3) may provide for a different number of members to be elected from different wards within the same town municipality. Idem

(5) An order under subsection (3) shall come into effect on the 1st day of December, 1991 but the regular election held in 1991 shall be conducted as if the order was in effect. Effective date of order

5.—(1) Upon the application of a town municipality under subsection 13 (2) of the *Municipal Act*, or upon the petition of electors under subsection 13 (3) of that Act, the Municipal Board may by order, O.M.B. order
R.S.O. 1980, c. 302

- (a) divide or redivide the town municipality into wards and designate the name or number each ward shall bear;
- (b) alter the boundaries of any or all of the wards in the town municipality; and
- (c) determine the number of members of council, up to a maximum of two members, to be elected from each ward.

(2) An order made under subsection (1) shall come into effect on the 1st day of December in 1994 or on the 1st day of December in any subsequent year in which regular elections under the *Municipal Elections Act* occur but the regular elections held in that year shall be conducted as if the order was in effect. Date order effective

R.S.O. 1980, c. 308

(3) An order under subsection (1) shall not alter the total number of members who represent the town municipality on the County Council or the number of votes assigned to the members under this Act. Limitation

(4) An order under subsection (1) may provide for a different number of members to be elected from different wards within the same town municipality. Variation between wards

(5) Despite subsection (1), the mayor and the county councillor of the town municipality shall continue to be elected by a general vote of the electors of the town municipality and shall be members of the County Council, and the mayor shall be the head of council of the town municipality. Election of mayor, county councillor

Where
inquiry by
Minister

(6) Where the Minister is inquiring into the structure, organization and methods of operation of a town municipality, the Minister may give notice to the Municipal Board of the inquiry and request that any application or petition made under subsection (1) be deferred until the inquiry has been completed.

Idem

(7) If notice is given under subsection (6), all proceedings in the application or petition are stayed until the Minister gives notice to the Municipal Board that they may be continued.

By-laws,
resolutions of
former
municipalities

6.—(1) Every by-law and resolution of a former municipality pertaining to an area included in a town municipality shall be deemed to be a by-law or resolution of the town municipality of which that area now forms a part and shall remain in force in that area until the earlier of,

(a) the date it is amended or repealed by the council of the town municipality; and

(b) the 31st day of December, 1994.

By-laws,
official plans
under
1983, c. 1

(2) Despite subsection (1), any by-law of a former municipality passed under section 34 of the *Planning Act, 1983*, or a predecessor of that section, and any official plan of a former municipality approved under the *Planning Act, 1983*, or a predecessor of that Act, pertaining to an area in a town municipality shall be deemed to be a by-law or official plan of the town municipality of which that area now forms a part and shall remain in force in that area until amended or repealed.

By-laws that
require
approval

(3) If a former municipality has commenced procedures to enact a by-law under any Act or to adopt an official plan or amendment thereto under the *Planning Act, 1983*, and that by-law, official plan or amendment applies to an area located in a town municipality and is not in force on the 1st day of January, 1991, the council of that town municipality may continue the procedures to enact the by-law or adopt the official plan or amendment to the extent that it applies to the area of that town municipality.

Subss. (1)
and (2) apply

(4) Subsections (1) and (2) apply with necessary modifications to the by-law, official plan or amendments thereto.

By-laws,
resolutions
not affected

(5) Nothing in this section repeals or authorizes the amendment or repeal of,

- (a) by-laws or resolutions of the former municipalities passed under section 45, 58 or 61 of the *Drainage Act* or a predecessor of those sections; and R.S.O. 1980, c. 126
- (b) by-laws or resolutions conferring rights, privileges, franchises, immunities or exemptions that could not have been lawfully repealed by the councils of the former municipalities.

(6) Despite section 74 of the *Drainage Act*, and any by-law of the former municipalities, on and after the 1st day of January, 1991, 40.733 per cent of the costs of operating, maintaining and repairing the drainage works known locally as the Holland Marsh Drainage Scheme shall be assessed against the lands and roads in the Town of Bradford West Gwillimbury benefiting from the drainage works as follows: Drainage works

1. 34.393 per cent shall be assessed against the lands.
2. 3.440 per cent shall be assessed against the roads of the Town.
3. 2.1 per cent shall be assessed against the roads of the County.
4. 0.800 per cent shall be assessed against provincial highways.

(7) Subsection (6) shall remain in force until amended or repealed in the same manner as such assessment and apportionment of costs may be amended or repealed under the *Drainage Act*. Idem

7. Except as otherwise provided in this Act, the assets and liabilities of a former municipality and its local boards pertaining to the area included in a particular town municipality become assets and liabilities of that town municipality or a local board thereof without compensation, and the town municipality and its local boards stand in the place of the former municipality and its local boards. Transfer of assets and liabilities

8. Except as otherwise provided in this Act, all taxes, charges or rates levied by a former municipality or its local boards under any general or special Act that are due and unpaid on the 31st day of December, 1990, pertaining to the lands included in a particular town municipality, shall, on the 1st day of January, 1991, be due and payable to the town municipality or a local board thereof and may be collected and recovered as if the taxes, charges or rates had been imposed by the town municipality or the local board thereof. Transfer of taxes, charges and rates

Special
collector's
roll

9.—(1) The clerk of the Town of Bradford West Gwillimbury shall, as soon as practicable after the 1st day of January, 1991, prepare and furnish to the clerk of the Town of Innisfil a special collector's roll showing all arrears of taxes, charges or rates assessed against that portion of the Township of West Gwillimbury being amalgamated with the Town of Innisfil up to and including the 31st day of December, 1990, and the persons assessed therefor.

Payment

(2) On or before the 1st day of April, 1991, the Town of Innisfil shall pay to the Town of Bradford West Gwillimbury an amount equal to the arrears of taxes, charges and rates contained on the special collector's roll under subsection (1).

Special
collector's
roll

(3) The clerk of the Amalgamated Town shall, as soon as practicable after the 1st day of January, 1991, prepare and furnish to the clerk of the Town of Innisfil a special collector's roll showing all arrears of taxes, charges or rates assessed against that portion of the Township of Tecumseth being amalgamated with the Town of Innisfil up to and including the 31st day of December, 1990, and the persons assessed therefor.

Payment

(4) On or before the 1st day of April, 1991, the Town of Innisfil shall pay to the Amalgamated Town an amount equal to the arrears of taxes, charges and rates contained on the special collector's roll under subsection (3).

Special
collector's
roll

(5) The clerk of the Amalgamated Town shall, as soon as practicable after the 1st day of January, 1991, prepare and furnish to the clerk of the Town of Bradford West Gwillimbury a special collector's roll showing all arrears of taxes, charges or rates assessed against that portion of the Township of Tecumseth being amalgamated with the Town of Bradford West Gwillimbury up to and including the 31st day of December, 1990, and the persons assessed therefor.

Payment

(6) On or before the 1st day of April, 1991, the Town of Bradford West Gwillimbury shall pay to the Amalgamated Town an amount equal to the arrears of taxes, charges and rates contained on the special collector's roll under subsection (5).

Committees
of adjustment
dissolved

10.—(1) Subject to subsection (5), on the 1st day of January, 1991, all committees of adjustment of the former municipalities are dissolved.

Establish-
ment of
committees
of adjustment
1983, c. 1

(2) Each town municipality shall establish a committee of adjustment under section 43 of the *Planning Act, 1983* and shall delegate its authority under subsection 53 (2) of the

Planning Act, 1983 to the committee and, for this purpose, the County shall be deemed to have received the approval of the Minister and to have delegated to each town municipality the authority under subsection 53 (1) of the *Planning Act, 1983* for the giving of consents.

(3) Nothing in subsection (2) prevents the delegation, withdrawal of delegation or redelegation of the authority to give consents. Delegation power unaffected

(4) All applications to a committee of adjustment dissolved under subsection (1) shall be deemed to be applications to and shall be continued by the committee of adjustment of the town municipality in which the lands that are the subject of the application are located. Applications continued

(5) The committees of adjustment dissolved under subsection (1) and the terms of office of the members of the committees shall continue to the 31st day of January, 1991 for the purpose of making a decision on any application for which a hearing is completed before the 1st day of January, 1991. Continuing matters

11.—(1) The council of each town municipality shall be deemed to be a recreation committee under the *Ministry of Tourism and Recreation Act, 1982*, a committee of management of a community recreation centre under the *Community Recreation Centres Act* and a board of park management under the *Public Parks Act* and all such committees and boards of the former municipalities are dissolved on the 1st day of January, 1991. Dissolution of committees, boards under 1982, c. 7, R.S.O. 1980, cc. 80, 417

(2) Every by-law and resolution of the boards and committees dissolved under subsection (1) pertaining to an area included in a particular town municipality shall be deemed to be a by-law and resolution of the town municipality of which that area now forms a part, and shall remain in force in that area until the earlier of, Idem

(a) the date it is amended or repealed by the town municipality; and

(b) the 31st day of December, 1994.

(3) Nothing in this section repeals or authorizes the amendment or repeal of by-laws or resolutions conferring rights, privileges, franchises, immunities or exemptions that could not have been lawfully repealed by the boards and committees dissolved under subsection (1). Certain by-laws, resolutions continue

Employees

12.—(1) Every person who is employed by the Township of Innisfil or a local board thereof or by the Village of Cookstown or a local board thereof on the 1st day of July, 1990 and who continues to be so employed until the 31st day of December, 1990 becomes on the 1st day of January, 1991, an employee of the Town of Innisfil or a local board thereof.

Idem

(2) Every person who is employed by the Town of Bradford or a local board thereof or by the Township of West Gwillimbury or a local board thereof on the 1st day of July, 1990 and who continues to be so employed until the 31st day of December, 1990, becomes on the 1st day of January, 1991, an employee of the Town of Bradford West Gwillimbury or a local board thereof.

Idem

(3) Every person who was employed by the Town of Alliston or a local board thereof, by the Village of Beeton or a local board thereof, by the Township of Tecumseth or a local board thereof or by the Village of Tottenham or a local board thereof on the 1st day of July, 1990 and who continues to be so employed until the 31st day of December, 1990, becomes on the 1st day of January, 1991, an employee of the Amalgamated Town or a local board thereof.

Wages

(4) Any person who becomes an employee of a town municipality or a local board thereof under subsection (1), (2) or (3) shall receive a wage or salary of not less than the amount that that person was receiving on the 31st day December, 1990.

Order
respecting
employees

(5) The Minister may by order define employee for the purposes of this section and provide for the security of employment, the protection of benefits, including seniority and pensions, and early retirement options for employees affected by this Act.

PART II

COUNTY COUNCIL

Application
1988, c. Pr36
R.S.O. 1980,
c. 302Represent-
ation on
County
Council

13. This Part applies despite the *County of Simcoe Act*, 1988 and sections 27, 28 and 29 of the *Municipal Act*.

14.—(1) After the 30th day of November, 1991, each town municipality shall be represented on County Council by its mayor and county councillor.

Voting

(2) The members of the County Council under subsection (1) shall have a total of fifteen votes of which each mayor

shall have three votes and each county councillor shall have two votes.

15. Section 39a of the *Municipal Act* applies with necessary modifications to members of County Council under this Part.

Vacancies
R.S.O. 1980,
c. 302

16. The County Council may by by-law provide that a member who in council has one or more additional votes by virtue of this Part shall as a member of any committee have the same number of additional votes.

Voting on
committees

PART III

PUBLIC UTILITY COMMISSIONS

17.—(1) All public utility commissions of the former municipalities established under any Act and all committees of council of the former municipalities responsible for public utilities are dissolved on the 1st day of January, 1991.

Dissolution

(2) On the 1st day of January, 1991,

Commissions
established

- (a) a hydro-electric power commission is hereby established for each of the Town of Innisfil and the Amalgamated Town; and
- (b) a combined hydro-electric power and water commission is hereby established for the Town of Bradford West Gwillimbury.

(3) Each commission established under subsection (2) shall be deemed to be a commission established under Part III of the *Public Utilities Act* and a municipal commission within the meaning of the *Power Corporation Act*.

Deemed
commission
under
R.S.O. 1980,
cc. 423, 384

18.—(1) Despite section 41 of the *Public Utilities Act*, the members of the commission established under this Part shall, after the 30th day of November, 1991, be determined in accordance with this section.

Composition
of
commission
R.S.O. 1980,
c. 423

(2) The commission of the Town of Innisfil shall be composed of the mayor of the Town of Innisfil and,

Town of
Innisfil

- (a) for the term commencing the 1st day of December, 1991, four other members, who are qualified electors of the Town of Innisfil and who are not members of council of the Town of Innisfil, appointed by the council of the Town of Innisfil at its first meeting of that term; and

- (b) for the term commencing the 1st day of December, 1994 and all terms thereafter, four other members who are qualified electors elected by general vote of the electors of the Town of Innisfil.

Town of
Bradford
West
Gwillimbury

(3) The commission of the Town of Bradford West Gwillimbury shall be composed of,

- (a) the mayor of the Town of Bradford West Gwillimbury; and
- (b) four other members who are qualified electors of the Town of Bradford West Gwillimbury and one of whom may be a member of the council of the Town of Bradford West Gwillimbury, appointed by the council of the Town of Bradford West Gwillimbury at its first meeting of each term.

Amalgamated
Town

(4) The commission of the Amalgamated Town shall be composed of,

- (a) the mayor of the Amalgamated Town; and
- (b) four other members who are qualified electors of the Amalgamated Town in an area served by the commission, elected by wards.

Minister's
order

(5) For the purpose of clause (4) (b), the Minister may, by order,

- (a) establish the number of wards, the boundaries of the wards, the number of members of the commission, up to a maximum of two members, to be elected from each ward; and
- (b) provide additional qualifications for the members of the commission to be elected from each ward.

Idem

(6) An order under subsection (5) may provide for a different number of members to be elected from different wards.

Effective
date of order


(7) An order under subsection (5) shall come into effect on the 1st day of December, 1991 but the regular election held in 1991 shall be conducted as if the order was in effect.

O.M.B.
order

(8) Section 5, except subsection (5), applies with necessary modifications to the matters set out in clause (5) (a).

Minister's
order

(9) The Minister, after an order has been issued by the Municipal Board under subsection (8), may by order provide

additional qualifications for the members of the commission to be elected from each ward. 

(10) Despite subsection (2), the council of the Town of Innisfil may, by by-law passed before an appointment is made under clause (2) (a), provide that only two members be appointed to the commission for the term commencing the 1st day of December, 1991, but a by-law under this subsection shall not be repealed once an appointment has been made. Number of members reduced

(11) Despite subsection (2), the council of the Town of Innisfil may, by by-law passed during 1993, provide that only two members be elected to the commission under clause (2) (b) for the term commencing the 1st day of December, 1994 and all subsequent terms, but a by-law under this subsection shall not be repealed after the 31st day of December, 1993. Idem

19. A member of a commission shall hold office for the same term as the members of council or until the successor of the member is elected or appointed. Term

20. The council of a town municipality may, by by-law passed with the written consent of the mayor, appoint a delegate from among the members of the council to represent the mayor on the commission for that town municipality. Delegate of mayor

21. On the 1st day of January, 1991, the assets of a former municipality and the assets under the control and management of a commission dissolved under subsection 17 (1), and the liabilities of a former municipality and of a commission dissolved under subsection 17 (1), Transfer of assets, liabilities

- (a) if they relate to the distribution and supply of electrical power and pertain to an area in a town municipality, become assets under the control and management of and liabilities of the commission of that town municipality, without compensation;
- (b) if they relate to the production, treatment, distribution and supply of water and pertain to an area in the Town of Innisfil or the Amalgamated Town, become assets and liabilities of the Town of Innisfil or the Amalgamated Town, respectively, without compensation; and
- (c) if they relate to the production, treatment, distribution and supply of water and pertain to an area in the Town of Bradford West Gwillimbury, become assets under the control and management of and lia-

bilities of the commission of the Town of Bradford West Gwillimbury, without compensation.

By-laws,
resolutions
continued

22.—(1) On the 1st day of January, 1991, every by-law and resolution of a former municipality and of a commission of a former municipality dissolved under subsection 17 (1),

- (a) if they relate to the distribution and supply of electrical power and pertain to an area in a town municipality, shall be deemed to be a by-law or resolution of the commission of the town municipality of which that area now forms a part;
- (b) if they relate to the production, treatment, distribution and supply of water and pertain to an area in the Town of Innisfil or the Amalgamated Town, shall be deemed to be a by-law or resolution of the Town of Innisfil or the Amalgamated Town respectively; and
- (c) if they relate to the production, treatment, distribution and supply of water and pertain to an area in the Town of Bradford West Gwillimbury, shall be deemed to be a by-law or resolution of the commission of the Town of Bradford West Gwillimbury.

Idem

(2) A by-law or resolution deemed to continue under subsection (1) shall remain in force until the earlier of the date they are amended or repealed by the commission or the town municipality, as the case may be, and the 31st day of December, 1994.

Certain
by-laws,
resolutions
remain
effective

(3) Nothing in this section repeals or authorizes the amendment or repeal of by-laws or resolutions conferring rights, privileges, franchises, immunities or exemptions that could not have been lawfully repealed by the former municipality or by a commission of that former municipality dissolved under subsection 17 (1).

Distribution
of power to
continue
R.S.O. 1980,
c. 423

23. Subject to section 24 of this Act and despite section 18 of the *Public Utilities Act*, Ontario Hydro shall continue to distribute and supply power in those parts of each town municipality that Ontario Hydro served on the 31st day of December, 1990.

Additional
areas

24.—(1) A town municipality, without the assent of the municipal electors, may pass by-laws describing additional areas of that town municipality which shall be served with hydro-electric power by the commission of that town municipality.

(2) Each town municipality shall pass a by-law under subsection (1) on or before the 31st day of December, 1991.

By-law to be passed

(3) If no notice of appeal is filed under subsection (12), a by-law under subsection (1) shall come into force on the thirtieth day after the expiry of the appeal period.

Effective date

(4) If one or more appeals have been filed under subsection (12), a by-law under subsection (1), as amended by the Municipal Board, shall come into force on the thirtieth day after the final order of the Municipal Board is issued disposing of all the appeals.

Idem

(5) A by-law under subsection (1) shall not be amended for five years unless both Ontario Hydro and the town municipality consent to an earlier amendment.

Restriction

(6) If the council of a town municipality has not complied with subsection (2), or more than five years have passed since the last by-law under subsection (1) has come into force in that town municipality, any person may apply to the council of that town municipality requesting the council to pass or to amend a by-law under subsection (1).

Application respecting by-law

(7) If an application under subsection (6) is refused or the council refuses or neglects to make a decision thereon within ninety days after receipt of the application by the clerk, the applicant may appeal to the Municipal Board and the Board shall hear the appeal and may,

Application to O.M.B.

- (a) dismiss the appeal;
- (b) pass a by-law under subsection (1) which shall be deemed to be a by-law of that town municipality; or
- (c) amend a by-law under subsection (1) in such manner as the Board may determine,

and any such by-law or amendment comes into force thirty days after the day the order of the Board is issued.

(8) Before passing a by-law under this section, except a by-law passed or amended by the Municipal Board under subsection (7) or (19), the council of the town municipality shall ensure that sufficient information is made available to enable the public to understand generally the proposed by-law and, for this purpose, shall hold at least one public meeting, notice of which shall be given in the manner and in the form and to the persons and agencies prescribed.

Notice of proposed by-law

Public
meeting

(9) The meeting under subsection (8) shall not be held sooner than twenty days after the requirements for the giving of notice have been complied with and any person who attends the meeting shall be afforded an opportunity to make representations in respect of the proposed by-law.

Changes to
by-law

(10) If a change is made in a proposed by-law after the holding of a meeting under subsection (8), the council is not required to give any further notice in respect of the proposed by-law.

Notice of
by-law

(11) Upon the passing of a by-law under this section, except a by-law passed or amended by the Municipal Board under subsection (7) or (19), the clerk of the town municipality shall give written notice of the passing of the by-law in the manner and in the form and to the persons and agencies prescribed and the notice shall specify the last day for filing a notice of appeal under subsection (12).

Appeal to
O.M.B.

(12) Any person may, not later than the twentieth day after the day that the giving of written notice as required by subsection (11) is completed, appeal to the Municipal Board by filing with the clerk of the town municipality a notice of appeal setting out the objection to the by-law and the reasons in support of the objection.

Notice
completed

(13) For the purposes of subsection (12), the giving of written notice shall be deemed to be completed,

- (a) where notice is given by publication in a newspaper, on the day that such publication occurs;
- (b) where notice is given by personal service, on the day that the serving of all required notices is completed; and
- (c) where notice is given by mail, on the day that the mailing of all required notices is completed.

Statement of
clerk

(14) An affidavit or declaration of the clerk of the municipality that notice was given as required by subsection (11) or that no notice of appeal was filed under subsection (12) within the time allowed for appeal is conclusive evidence of the facts stated therein.

Record

(15) The clerk of the town municipality, upon receipt of a notice of appeal under subsection (12), shall compile a record which shall include,

- (a) a copy of the by-law certified by the clerk;

- (b) an affidavit or declaration duly sworn certifying that the requirements for the giving of notice as mentioned in subsection (11) have been complied with; and
- (c) the original or a true copy of all written submissions and material in support of the submissions received in respect of the by-law before the passing thereof.

(16) The clerk shall forward the notice of appeal and the record to the secretary of the Municipal Board within fifteen days of the expiry of the appeal period and shall provide such other information or material the Board may require in respect of the appeal.

Documents
to be
forwarded to
O.M.B.

(17) The Municipal Board shall hold a hearing of which notice shall be given to such persons or bodies and in such manner as the Board may determine.

Hearing

(18) Despite subsection (17), the Municipal Board may, where it is of the opinion that the reasons given for an appeal under subsection (7) or (12) are insufficient, dismiss the appeal without holding a full hearing but before so dismissing the appeal shall give the appellant an opportunity to make representations as to the merits of the appeal.

Early
dismissal

(19) The Municipal Board may dismiss the appeal or allow the appeal in whole or in part and repeal the by-law in whole or in part or amend the by-law in such manner as the Board may determine.

Powers of
O.M.B.

(20) A by-law under this section shall not have the effect of removing any area which was served with hydro-electric power by the commission of a town municipality on the day before the by-law comes into force from the service area of that commission.

Restriction

(21) In considering what additional areas of a town municipality should be added to the service area of the commission of that town municipality under this section, the town municipality and the Municipal Board shall have regard to the potential growth and development of the town municipality in the foreseeable future.

Criteria for
determination

(22) On the day a by-law comes into force in a town municipality under this section, the commission for that town municipality shall acquire the retail distribution facilities within the expanded service area of that commission used by Ontario Hydro in the retail distribution of power on the day before the by-law came into force, including equipment leased by

Acquisition
of facilities

Ontario Hydro to retail customers within the expanded service area for the use of that power.

Cost of
facilities

(23) The price of the facilities shall be equal to the original cost of the facilities less the sum of the accumulated net retail equity of the customers supplied with power through the facilities and the accumulated depreciation associated with the facilities.

Definition

(24) In subsection (22), “retail distribution facilities” means works for the transmission and supply of power at voltages less than 50 kilovolts other than works located within a transformer station that transforms power from voltages greater than 50 kilovolts to voltages less than 50 kilovolts.

Idem

(25) In subsection (23), “accumulated net retail equity” means the portion of the equity accumulated through debt retirement appropriations recorded for the rural power district relating to Ontario Hydro’s rural retail system plus the portion of the balance recorded for rural retail customers in the Stabilization of Rates and Contingencies Account in the books of Ontario Hydro.

Regulations

(26) The Lieutenant Governor in Council may, upon the recommendation of the Minister, make regulations,

- (a) prescribing for the purpose of subsections (8) and (11), the persons and agencies that are to be given notice and the manner and form in which notice is to be given;
- (b) providing for the security of employment, the protection of benefits, including seniority and pensions, and early retirement options for employees of Ontario Hydro, town municipalities and the commission of the town municipalities affected by the expansion of the service area of a commission under this section;
- (c) exempting any matter related to the expansion of the service area of a commission under this section from the requirement of obtaining the assent of the electors of a town municipality;
- (d) deeming any matter related to the expansion of the service area of a commission under this section to be a matter within the meaning of subsection 149 (2) of the *Municipal Act*.

25.—(1) If the purchase price of the retail distribution facilities of Ontario Hydro under subsection 24 (22) is not agreed upon within one year after the date on which the commission commences distributing and supplying power in its expanded service area, the commission or Ontario Hydro may, at any time thereafter, request that the purchase price be determined by a single arbitrator agreed on by the commission and Ontario Hydro.

Arbitrator

(2) The *Arbitrations Act* applies where a request is made under subsection (1).

R.S.O. 1980,
c. 25 applies

(3) The decision of an arbitrator under subsection (1) is not subject to appeal.

Decision final

PART IV

POLICE SERVICES

26. The Board of Commissioners of Police of the Township of Innisfil and the committees of council of the Town of Bradford and the Town of Alliston responsible for policing are dissolved on the 1st day of January, 1991.

Dissolution

27.—(1) A board of commissioners of police is hereby established for each of the town municipalities on the 1st day of January, 1991.

Board of
commis-
sioners of
police

(2) Each board established under subsection (1) shall be deemed to be a board established under section 8 of the *Police Act*.

Deemed
board under
R.S.O. 1980,
c. 381

(3) After the 30th day of November, 1991, each board shall be composed of those members provided for under section 8 of the *Police Act*.

Composition
of board

28. On the 1st day of January, 1991,

Transfer of
assets and
liabilities

- (a) the assets under the control and management of the Board of Commissioners of Police of the Township of Innisfil dissolved under section 26 and the liabilities of such board become assets under the control and management of and liabilities of the board of the Town of Innisfil, without compensation;
- (b) the assets and liabilities of the Town of Bradford related to policing become assets under the control and management of and liabilities of the board of the Town of Bradford West Gwillimbury, without compensation; and

- (c) the assets and liabilities of the Town of Alliston related to policing become assets under the control and management of and liabilities of the board of the Amalgamated Town, without compensation.

Continuation
of by-laws,
resolutions

29.—(1) On the 1st day of January, 1991,

- (a) all by-laws and resolutions of the Board of Commissioners of Police of the Township of Innisfil dissolved under this Part are continued as by-laws and resolutions of the board of the Town of Innisfil;
- (b) all by-laws and resolutions of the Town of Bradford relating to the governing of its police force are continued as by-laws and resolutions of the board of the Town of Bradford West Gwillimbury; and
- (c) all by-laws and resolutions of the Town of Alliston relating to the governing of its police force are continued as by-laws and resolutions of the board of the Amalgamated Town.

Limitation

- (2) By-laws and resolutions continued by clauses (1) (a), (b) and (c) apply only in the area of the Township of Innisfil, the Town of Bradford and the Town of Alliston, respectively.

Expiry

- (3) By-laws and resolutions continued by subsection (1) shall remain in force until the earlier of,

- (a) the date they are amended or repealed by the board; and

- (b) the 31st day of December, 1994.

Certain by-
laws,
resolutions
remain
effective

- (4) Nothing in this section repeals or authorizes the amendment or repeal of by-laws or resolutions conferring rights, privileges, franchises, immunities or exemptions that could not have been lawfully repealed or amended by the board or municipality which originally enacted the by-laws or resolutions.

Agreement
respecting
police
services

- 30.—(1)** Subject to subsection (4), the Solicitor General, upon the application of the council of a town municipality or upon the joint application of the councils of the requesting municipalities of a town municipality described in subsection (2), shall enter into an agreement with the town municipality or the requesting municipalities of the town municipality, as the case may be, under section 64 of the *Police Act* for the Ontario Provincial Police Force to provide police services for five years, or such shorter time as may be requested, com-

mencing the 1st day of January, 1991, in those areas of the town municipality in which the Ontario Provincial Police Force was providing police services on the 31st day of December, 1990.

(2) The requesting municipalities under subsection (1) are, Requesting municipalities

- (a) the Township of Innisfil and the Village of Cookstown for the Town of Innisfil;
- (b) the Town of Bradford and the Township of West Gwillimbury for the Town of Bradford West Gwillimbury;
- (c) the Town of Alliston, the Village of Beeton, the Township of Tecumseth and the Village of Tottenham for the Amalgamated Town.

(3) An application under subsection (1) shall be made no later than the 31st day of January, 1991. Timing of application

(4) The Solicitor General may refuse to enter into an agreement to provide police services under subsection (1) unless the town municipality or the requesting municipalities of the town municipality, as the case may be, Conditions to be met

- (a) agree to pay the compensation established by the Solicitor General for the police services; and
- (b) agree to purchase the type and level of police services that, in the opinion of the Solicitor General, is required to properly police the town municipality.

(5) An agreement under subsection (1) between the Solicitor General and the requesting municipalities of a town municipality shall on the 1st day of January, 1991 be deemed to be an agreement between the Solicitor General and the town municipality. Transfer of agreement

31.—(1) If, on the 1st day of January, 1991, a town municipality does not have an agreement with the Solicitor General under section 30, the Ontario Provincial Police Force shall continue to provide police services in the area of the town municipality in which the Ontario Provincial Police Force was providing police services on the 31st day of December, 1990 until the Ontario Police Commission is satisfied the board of that town municipality has made adequate provision for the proper policing of the town municipality. Where no agreement

Payment for
police
services

(2) The cost of the Ontario Provincial Police Force providing police services under subsection (1) shall be charged to the town municipality and may be deducted from any grant payable out of provincial funds to the town municipality or may be recovered with costs by action in any court of competent jurisdiction as a debt due to the Crown.

PART V

PUBLIC LIBRARIES

Transfer of
assets,
liabilities

32.—(1) All library boards of the former municipalities are dissolved on the 1st day of January, 1991, and their assets and liabilities pertaining to the area in a particular town municipality are transferred to the board for that town municipality established under subsection (2), without compensation.

Library
boards
established

(2) A public library board for each town municipality is hereby established on the 1st day of January, 1991, and each board shall be deemed to be a public library board under Part I of the *Public Libraries Act, 1984*.

1984. c. 57

Continuation
of by-laws,
etc.

(3) All by-laws, rules, regulations and fees pertaining to the area in a particular town municipality passed or established by the boards dissolved under subsection (1) are continued as by-laws, rules, regulations and fees of the board for that town municipality established under subsection (2) and shall remain in force until the earlier of,

(a) the date they are amended or repealed by the board; and

(b) the 31st day of December, 1994.

Certain
by-laws
continued

(4) Nothing in this section repeals or authorizes the amendment or repeal of by-laws conferring rights, privileges, franchises, immunities or exemptions that could not have been lawfully repealed by a board dissolved under subsection (1).

PART VI

FINANCES

Definitions

33. In this Part,

“average municipal commercial mill rate” means, in respect of a local municipality, the rate obtained by dividing the total of taxes levied for all purposes, other than for school purposes and other than under sections 32 and 33 of the *Assessment Act*, on the commercial assessment for the sec-

R.S.O. 1980.
c. 31

ond preceding year by the total commercial assessment for the second preceding year and multiplying the result by 1,000;

“commercial assessment” means commercial assessment as defined in clause 1 (1) (b) of the *Ontario Unconditional Grants Act*; R.S.O. 1980, c. 359

“discounted assessment” means, for a local municipality or for a merged area, the sum of,

- (a) the product obtained by multiplying the residential and farm assessment for that local municipality or that merged area by its prescribed discount factor, and
- (b) the commercial assessment for that local municipality or that merged area;

“discounted equalized assessment” means,

- (a) for each local municipality, the sum of the discounted assessment and the equivalent assessment of that local municipality divided by its prescribed equalization factor and multiplied by 100, and
- (b) for each merged area, the discounted assessment of the merged area divided by its prescribed equalization factor and multiplied by 100;

“equivalent assessment” means, for a local municipality, except a town municipality, the assessment obtained by dividing that portion of its payments in lieu of taxes in the second preceding year, as defined in clause 365 (1) (j) of the *Municipal Act*, not allocated for school purposes, by the average municipal commercial mill rate and multiplying the result by 1,000; R.S.O. 1980, c. 302

“local municipality” means a town, village and township which forms part of the County for municipal purposes;

“merged area” means,

- (a) in the case of the Town of Innisfil, the area of the Township of Innisfil, the Village of Cookstown, the portion of the Township of Tecumseth forming part of the said town, or the portion of the Township of West Gwillimbury forming part of the said town,

- (b) in the case of the Town of Bradford West Gwillimbury, the area of the Town of Bradford, the portion of the Township of West Gwillimbury forming part of the Town of Bradford West Gwillimbury or the portion of the Township of Tecumseth forming part of the Town of Bradford West Gwillimbury, and
- (c) in the case of the Amalgamated Town, the area of the Town of Alliston, the Village of Beeton, the Village of Tottenham, or the portion of the Township of Tecumseth forming part of the Amalgamated Town;

“net county levy” means the amount required for County purposes under subsection 365 (6) of the *Municipal Act* including the sums required for any board, commission or other body, apportioned to each local municipality by the County;

“net lower tier levy” means the amount required for the purposes of a local municipality under section 164 of the *Municipal Act* including the sums required for any board, commission or other body, but excluding amounts required to be raised for County and school purposes or for a special rate imposed under section 42;

“residential and farm assessment” means residential and farm assessment as defined in clause 7 (1) (e) of the *Ontario Unconditional Grants Act*.

Prescribed
factors

34.—(1) For purposes of apportioning the net county levy or the net lower tier levy among the merged areas, the Minister may, in each year, prescribe the equalization factor and the discount factor to apply for that year to each local municipality within the County and each merged area.

Notification
by Minister

(2) For purposes of determining the discounted equalized assessment for each town municipality, the Ministry of Municipal Affairs may, in each year, calculate and notify the treasurer of the County of the equivalent assessment for each town municipality.

Annual
County
apportion-
ments

R.S.O. 1980,
c. 302

(3) Despite subsection 365 (6) of the *Municipal Act*, the treasurer of the County shall determine,

- (a) the discounted equalized assessment of each local municipality in the County;
- (b) the discounted equalized assessment of the County; and

- (c) the percentage share of apportionment, correct to three decimal places, for each local municipality by dividing the discounted equalized assessment for each local municipality by the discounted equalized assessment of the County and multiplying the result by 100.

35.—(1) In each year, the Ministry of Municipal Affairs shall calculate and notify each town municipality of the discounted equalized assessment for each merged area of that town municipality.

Notification
by Minister

(2) Despite subsection 7 (2) of the *Ontario Unconditional Grants Act*, the net county levy and the net lower tier levy of a town municipality shall be levied against the whole rateable property, including business assessment thereon, of that town municipality and apportioned between the merged areas of that town municipality in the proportion that the discounted equalized assessment for each merged area of that town municipality bears to the total discounted equalized assessment of all merged areas of that town municipality.

How levies
apportioned
R.S.O. 1980,
c. 359

(3) The rates to be levied in each merged area of a town municipality shall be determined in accordance with subsection 7 (3) of the *Ontario Unconditional Grants Act*.

Idem

36.—(1) Despite section 35, the council of a town municipality may by by-law in any year, before the adoption of the estimates for that year, levy such rates as it may determine in each of the merged areas of that town municipality on the rateable commercial assessment and on the rateable residential and farm assessment in the merged area.

Interim levy

(2) A by-law for levying rates under subsection (1) shall be passed in the year that the rates are to be levied or may be passed in December of the preceding year if it provides that it does not come into force until a specified day in the following year.

When by-law
to be passed

(3) The rate that may be levied on any assessment under subsection (1) shall not exceed 50 per cent of the total of the rates that were levied or would have been levied on that assessment for all purposes in the preceding year.

Amount

(4) If the assessment roll for taxation in the current year has not been returned, the rate levied under subsection (1) may be levied on the assessment according to the assessment roll used for taxation purposes in the preceding year.

Idem

Deduction

(5) The amount of any levy under subsection (1) shall be deducted from the amount of the levies made under subsection 35 (2) of this Act and under Parts IV and VIII of the *Education Act*.

R.S.O. 1980,
c. 129

R.S.O. 1980,
c. 302 applies

(6) The provisions of the *Municipal Act* respecting the levying of rates and collection of taxes apply to the levying of rates and collection of taxes under this section.

Deeming
provision in
respect of
R.S.O. 1980,
c. 129

37.—(1) For the purposes of levying taxes under Parts IV and VIII of the *Education Act*, the merged areas shall be deemed to be municipalities, and the council of a town municipality shall be deemed to be the council of each merged area of that town municipality.

Regulations

(2) The Lieutenant Governor in Council may each year make regulations providing for the apportionment of the sums required by The Simcoe County Board of Education and the Simcoe County Roman Catholic Separate School Board with respect to any local municipality or merged area or parts thereof that are wholly or partly within their area of jurisdiction.

Reassessment

R.S.O. 1980,
c. 31

38. When a town municipality is reassessed under section 63 or section 70 of the *Assessment Act*,

- (a) the merged areas of that town municipality cease to exist; and
- (b) subsections 34 (1) and (2) and sections 35, 36 and 37 cease to apply to that town municipality.

County-wide
assessment
R.S.O. 1980,
c. 302

39. Sections 34 to 38 of this Act and sections 365, 366 and 368 of the *Municipal Act* cease to apply to the County and the local municipalities if the County has been subject to an assessment update under section 368b of the *Municipal Act*.

Rates,
subsequent
years

40. The Minister may by order provide that in the year or years and in the manner specified in the order, the council of a town municipality shall levy, on the real property and business assessment according to the last returned assessment roll in any specified merged area or in any other area specified in the order, rates of taxation for general purposes and rates and charges for special purposes that are different from the rates which would have been levied for such purposes but for this section.

Grants or
loans

41. The Minister may by order before the 1st day of January, 2000, on such conditions as the Minister considers appropriate, make grants or loans to the town municipalities, the

former municipalities and the County to achieve the purposes of this Act.

42.—(1) In this section,

Definitions

“urban service” means a service of a town municipality not being provided generally throughout that town municipality or not benefiting lands in that town municipality equally, and includes any liability incurred by a former municipality with respect to such service;

“urban service area” means the area or rateable property, including the business assessment thereon, designated in a by-law under clause (2) (c) or in an order under clause (4) (c).

(2) The council of a town municipality may, with the approval of the Municipal Board, by by-law,

By-laws
respecting
urban
services

- (a) identify an urban service;
- (b) define which costs of that town municipality are related to that urban service;
- (c) designate upon what area or rateable property, including business assessment thereon, of that town municipality the related costs should be raised;
- (d) levy a special rate on that area or rateable property, including the business assessment thereon, to raise the whole or part of the related costs; and
- (e) amend or dissolve an urban service area established under this section.

(3) The rates to be levied within each urban service area shall be determined in accordance with subsection 7 (3) of the *Ontario Unconditional Grants Act*.

Determi-
nation of
rates
R.S.O. 1980,
c. 359

(4) Before the 1st day of January, 1991, the Minister, upon the joint application of the councils of all former municipalities which will form part of a particular town municipality, may make an order to be effective no earlier than the 1st day of January, 1991, that,

Minister's
order

- (a) identifies an urban service;
- (b) defines which costs of that town municipality will relate to that urban service; and

- (c) designates upon what area or rateable property, including business assessment thereon, of the town municipality the related costs shall be raised.

Where
O.M.B.
approval not
required

(5) Where an order under subsection (4) creating an urban service area is in force and has not been amended under subsection (6), the council of a town municipality may pass a by-law under clause (2) (d) related to that urban service area without the approval of the Municipal Board.

Amendment
or repeal of
order

(6) The council of a town municipality may, with the approval of the Municipal Board, by by-law amend or repeal an order under subsection (4).

PART VII

MISCELLANEOUS

Committee of
referees

43.—(1) The Minister may, on or before the 1st day of September, 1990, appoint committees of referees to make adjustments of assets and liabilities arising from any amalgamation or dissolution under this Act.

Composition
of committee

(2) Each committee shall consist of one or more treasurers of the former municipalities directly affected by the adjustment of particular assets and liabilities and such other persons as the Minister may appoint.

Provisional
adjustments

(3) Before the 31st day of December, 1990, the committees shall make provisional adjustments of the known assets and liabilities and these adjustments shall become operative from the 1st day of January, 1991.

Final
adjustments

(4) Before the 30th day of June, 1991, the committees shall determine the final adjustments of the assets and liabilities as of the 31st day of December, 1990.

Copy of
decision to
parties
affected

(5) The committee of referees shall within thirty days of making the determination under subsection (4) forward its decision to the town municipalities and local boards directly affected by the adjustments.

Appeal to
board of
arbitrators

(6) Any town municipality or local board directly affected by a decision under subsection (4) may, within thirty days of receiving the decision under subsection (5), appeal the decision to a board of arbitrators established under subsection (7) which shall determine the matter after a hearing.

(7) The Minister shall appoint a board of arbitrators to make adjustments of assets and liabilities arising from any amalgamation or dissolution under this Act.

Appointment
by Minister

(8) Sections 3 to 5, 7, 9 to 11 and 13 to 15 of the *Arbitrations Act* and the Schedule to that Act apply to an arbitration under this section.

Certain
provision of
R.S.O. 1980,
c. 25 apply

(9) The decisions of the board of arbitrators are binding on the town municipalities and local boards and are not subject to appeal.

Decisions of
board
binding

(10) A decision of a committee of referees or of the board of arbitrators under this section may provide for any financial adjustments among the town municipalities and the local boards thereof which in its opinion are necessary as a result of the adjustments of assets and liabilities under this Act.

Financial
adjustments

44.—(1) Subject to subsection (2), for 1991 and each subsequent year the maximum contribution that the County may make to a town municipality under section 59 of the *Public Transportation and Highway Improvement Act* shall not exceed the total of the contributions the County made under that section in 1990 to former municipalities that now form part of that town municipality.

Contributions
under
R.S.O. 1980,
c. 421

(2) The maximum contribution the County may make to a town municipality in any year shall be increased by the percentage by which the total County levy for road purposes in that year on all municipalities forming part of the County for municipal purposes exceeds the total County levy for road purposes in 1990.

Increases

45.—(1) Subject to subsection (2), section 58 of the *Public Transportation and Highway Improvement Act* does not apply to roads of a town municipality located in the Township of Innisfil, the Township of Tecumseth or the Township of West Gwillimbury.

R.S.O. 1980,
c. 421, s. 58
does not
apply

(2) The Lieutenant Governor in Council may, upon the recommendation of the Minister, make regulations providing that section 58 of the *Public Transportation and Highway Improvement Act* applies to any road located in the Township of Innisfil, the Township of Tecumseth and the Township of West Gwillimbury.

Regulations

46.—(1) No former municipality shall, without the approval of the Minister, dispose of any real property located in,

Limitation on
disposal of
real property

- (a) the portion of the Township of West Gwillimbury to be amalgamated with the Town of Innisfil under clause 2 (1) (a);
- (b) the portion of the Township of Tecumseth to be amalgamated with the Town of Innisfil under clause 2 (1) (a); or
- (c) the portion of the Township of Tecumseth to be amalgamated with the Town of Bradford West Gwillimbury under clause 2 (1) (b).

Retroactive
application

(2) Any transaction made by a former municipality after the 6th day of June, 1990 that purports to dispose of real property without obtaining the approval of the Minister is void.

Conservation
authorities
R.S.O. 1980,
c. 85

47.—(1) Despite this Act and section 2 of the *Conservation Authorities Act*, on and after the 1st day of January, 1991, every person who was a representative of a former municipality on a conservation authority on the 31st day of December, 1990, shall continue to hold that office until the town municipality for which that member is deemed to be a representative under subsection (2) makes its new appointments under section 2 of the *Conservation Authorities Act* following the 1991 regular election.

Idem

(2) A representative of a former municipality whose term is continued under subsection (1) shall,

- (a) in the case of a representative appointed by the Village of Cookstown or the Township of Innisfil, be deemed to be a representative of the Town of Innisfil;
- (b) in the case of a representative appointed by the Town of Bradford or the Township of West Gwillimbury, be deemed to be a representative of the Town of Bradford West Gwillimbury; and
- (c) in the case of a representative appointed by the Town of Alliston, the Village of Beeton, the Township of Tecumseth or the Village of Tottenham, be deemed to be a representative of the Amalgamated Town.

PART VIII

TRANSITIONAL PROVISIONS

48. In this Part, “pre-election period” means the period from the 1st day of January, 1991 until the 30th day of November, 1991, inclusive. Definition

49.—(1) Despite section 32 of the *Municipal Act*, during the pre-election period, the council of each town municipality shall consist of the members described under this section. Transition,
composition
of council
R.S.O. 1980,
c. 302

(2) The council of the Town of Innisfil shall be composed of, Town of
Innisfil

- (a) a mayor, who shall be the person who was the reeve of the Township of Innisfil on the 31st day of December, 1990;
- (b) a reeve, who shall be the person who was the deputy reeve of the Township of Innisfil on the 31st day of December, 1990;
- (c) a deputy reeve, who shall be the person who was the reeve of the Village of Cookstown on the 31st day of December, 1990;
- (d) five members who shall be the persons who were the members of the council, except the reeve and deputy reeve, of the Township of Innisfil on the 31st day of December, 1990; and
- (e) four members who shall be the persons who were the members of council, except the reeve, of the Village of Cookstown on the 31st day of December, 1990.

(3) The council of the Town of Bradford West Gwillimbury shall be composed of, Town of
Bradford
West
Gwillimbury

- (a) a mayor, who shall be the person who was the mayor of the Town of Bradford on the 31st day of December, 1990;
- (b) a deputy mayor, who shall be the person who was the reeve of the Township of West Gwillimbury on the 31st day of December, 1990;

- (c) a reeve, who shall be the person who was the reeve of the Town of Bradford on the 31st day of December, 1990;
- (d) two deputy reeves, who shall be the persons who were the deputy reeve of the Town of Bradford and the deputy reeve of the Township of West Gwillimbury on the 31st day of December, 1990;
- (e) four members who shall be the persons who were the members of the council, except the mayor, reeve and deputy reeve, of the Town of Bradford on the 31st day of December, 1990; and
- (f) three members who shall be the persons who were the members of the council, except the reeve and deputy reeve, of the Township of West Gwillimbury on the 31st day of December, 1990.

Amalgamated
Town

(4) The council of the Amalgamated Town shall be composed of,

- (a) a mayor, who shall be the person who was the mayor of the Town of Alliston on the 31st day of December, 1990;
- (b) a deputy mayor, who shall be the person who was the reeve of the Township of Tecumseth on the 31st day of December, 1990;
- (c) a reeve, who shall be the person who was the reeve of the Village of Tottenham on the 31st day of December, 1990;
- (d) a deputy reeve, who shall be the person who was the reeve of the Village of Beeton on the 31st day of December, 1990;
- (e) a county councillor, who shall be the person who was the reeve of the Town of Alliston on the 31st day of December, 1990;
- (f) five members who shall be the persons who were the members of council, except the mayor and the reeve, of the Town of Alliston on the 31st day of December, 1990;
- (g) four members who shall be the persons who were the members of council, except the reeve, of the

Township of Tecumseth on the 31st day of December, 1990;

- (h) four members who shall be the persons who were the members of council, except the reeve, of the Village of Tottenham on the 31st day of December, 1990; and
- (i) four members who shall be the persons who were the members of council, except the reeve, of the Village of Beeton on the 31st day of December, 1990.

(5) The first meeting of a council established under this section shall be held not later than the 9th day of January, 1991. First meeting

(6) A member of a council established under this section has only one vote. One vote

(7) Despite sections 37 and 38 of the *Municipal Act*, a member of a council established under this section shall not be disqualified from holding that office because of any loss of qualification resulting solely from the amalgamations under section 2. Disqualifications

50.—(1) During the pre-election period, the five wards of the Township of Innisfil shall continue as the five wards of the Town of Innisfil except that, Transition.
Township of
Innisfil

- (a) the area of the Village of Cookstown, the portion of the Township of Tecumseth described firstly in Schedule A and the portion of the Township of West Gwillimbury described in Schedule E are added to Ward 1; and

- (b) the portion of the Township of West Gwillimbury described in Schedule F is added to Ward 2.

(2) The five members of the council of the Town of Innisfil described in clause 49 (2) (d) shall represent the same wards, as modified under subsection (1), as they represented in the Township of Innisfil. Idem

(3) In addition to the Ward 1 representative under subsection (2), the four members of the council of the Village of Cookstown described in clause 49 (2) (e) shall represent Ward 1 as modified under subsection (1). Idem

51.—(1) During the pre-election period, Transition.
County
Council

- (a) the Town of Innisfil shall be represented on County Council by its mayor, reeve and deputy reeve;
- (b) the Town of Bradford West Gwillimbury shall be represented on County Council by its deputy mayor and reeve; and
- (c) the Amalgamated Town shall be represented on County Council by its deputy mayor, reeve, deputy reeve and county councillor.

Voting

(2) The members of County Council under subsection (1) shall have a total of seventeen votes of which,

- (a) the mayor of the Town of Innisfil and the reeve of the Town of Bradford West Gwillimbury shall each have three votes;
- (b) the reeve of the Town of Innisfil, the deputy mayor of the Town of Bradford West Gwillimbury and the deputy mayor and the county councillor of the Amalgamated Town shall each have two votes; and
- (c) the deputy reeve of the Town of Innisfil and the reeve and deputy reeve of the Amalgamated Town shall each have one vote.

First meeting

(3) The first meeting of County Council in 1991 shall be held after each of the councils of the town municipalities has held its first meeting under subsection 49 (5) but, in any event, not later than the 22nd day of January, 1991.

Vacancies,
voting

(4) Sections 15 and 16 apply to the members of County Council during the pre-election period.

Transition,
public utility
commission
R.S.O. 1980,
c. 423

52.—(1) Despite section 41 of the *Public Utilities Act*, the hydro-electric commission of a town municipality shall, during the pre-election period, be composed of,

- (a) in the case of the commission of the Town of Innisfil, the members of the committee of council of the Village of Cookstown dissolved under subsection 17 (1);
- (b) in the case of the commission of the Town of Bradford West Gwillimbury, the members of the public utility commission of the Town of Bradford dissolved under subsection 17 (1) and the person who was the reeve of the Township of West Gwillimbury on the 31st day of December, 1990; and

(c) in the case of the commission of the Amalgamated Town,

(i) the members of the public utility commissions of the Town of Alliston and the Village of Tottenham dissolved under subsection 17 (1),

(ii) the person who was the reeve of the Village of Beeton on the 31st day of December, 1990, and

(iii) the person who was the reeve of the Township of Tecumseth on the 31st day of December, 1990.

(2) Sections 19 and 20 apply to the members of a commission during the pre-election period.

Term.
delegation

53.—(1) During the pre-election period, the boards established under subsection 27 (1) shall be composed of the members described in this section.

Transition.
police
services

(2) The board of the Town of Innisfil shall be composed of,

Town of
Innisfil

(a) the members of the Board of Commissioners of Police of the Township of Innisfil dissolved under section 26;

(b) the person who was the reeve of the Village of Cookstown on the 31st day of December, 1990; and

(c) one other person appointed by the Lieutenant Governor in Council.

(3) The board of the Town of Bradford West Gwillimbury shall be composed of,

Town of
Bradford
West
Gwillimbury

(a) the person who was the mayor of the Town of Bradford on the 31st day of December, 1990;

(b) the person who was the reeve of the Township of West Gwillimbury on the 31st day of December, 1990; and

(c) three other persons appointed by the Lieutenant Governor in Council.

(4) The board of the Amalgamated Town shall be composed of,

Amalgamated
Town

- (a) the person who was the mayor of the Town of Alliston on the 31st day of December, 1990;
- (b) a person who is a qualified elector of the Amalgamated Town, appointed by the council of the Amalgamated Town at its first meeting in 1991; and
- (c) three other persons appointed by the Lieutenant Governor in Council.

Transition,
libraries
1984, c. 57

54. Despite section 9 of the *Public Libraries Act, 1984* during the pre-election period, two of the members appointed by the council of the Town of Innisfil to the public library board for the Town of Innisfil established under subsection 32 (2), shall be qualified electors of the Town of Innisfil in the area of the Village of Cookstown.

PART IX

CONSEQUENTIAL AMENDMENTS AND COMMENCEMENT

R.S.O. 1980,
c. 497

55. Paragraph 34 of section 1 of the *Territorial Division Act* is amended,

- (a) by repealing clause (b) and substituting the following:
 - (b) the Town of the Amalgamated Municipalities of Alliston, Beeton, Tecumseth and Tottenham;
 - (ba) the towns of Bradford West Gwillimbury, Collingwood, Innisfil, Midland, Penetanguishene, Stayner, Wasaga Beach;
- (b) by striking out “Beeton” and “Cookstown” in the first line of clause (c) and “Tottenham” in the second line of clause (c); and
- (c) by striking out “Innisfil” in the first column of clause (d) and “Tecumseth” and “West Gwillimbury” in the second column of clause (d).

Commence-
ment

56.—(1) This Act, except sections 5 and 55, comes into force on the day it receives Royal Assent.

Idem

(2) Section 5 comes into force on the 1st day of December, 1991.

(3) Section 55 comes into force on the 1st day of January, ^{Idem} 1991.

57. The short title of this Act is the *County of Simcoe Act*, ^{Short title} 1990.

SCHEDULE A

The land described as follows:

Firstly: Part of the Township of Tecumseth, commencing at the intersection of the easterly boundary of the Township of Tecumseth and the easterly prolongation of the southerly limit of the northerly half of Lot 24 in Concession XIII;

Thence westerly to and along the southerly limit of the northerly half of lots 24, 23 and 22 in Concession XIII to the westerly limit of Lot 22;

Thence northerly along the westerly limit of Lot 22 in concessions XIII, XIV and XV and the northerly prolongation thereof to the northerly boundary of the Township of Tecumseth;

Thence easterly along the northerly boundary of the Township of Tecumseth to the westerly boundary of the Village of Cookstown;

Thence southerly and easterly along the southwesterly boundaries of the Village of Cookstown to the easterly boundary of the Township of Tecumseth;

Thence southerly along the easterly boundary of the Township of Tecumseth to the point of commencement;

Secondly: Part of the Township of West Gwillimbury, commencing at the intersection of the westerly boundary of the Township of West Gwillimbury and the westerly prolongation of the southerly limit of the northerly half of Lot 1 in Concession XIII;

Thence easterly to and along the southerly limit of the northerly half of Concession XIII to the southeasterly angle of the northerly half of Lot 23;

Thence easterly along the easterly prolongation of the southerly limit of the northerly half of Lot 23 in Concession XIII to the middle of Cook's Bay of Lake Simcoe being a point on a line measured north 15° east from the middle of the mouth of the Holland River in accordance with subsection 12 (1) of the *Territorial Division Act*;

Thence north 15° east along the middle of Cook's Bay 2,900 metres to intersect the easterly prolongation of the northerly boundary of the Township of West Gwillimbury;

Thence westerly to and along the northerly boundary of the Township of West Gwillimbury to the easterly boundary of the Village of Cookstown;

Thence southwesterly along the southeasterly boundaries of the Village of Cookstown to the westerly boundary of the Township of West Gwillimbury;

Thence southerly along the westerly boundary of the Township of West Gwillimbury to the point of commencement.

SCHEDULE B

The land described as follows:

Part of the Township of West Gwillimbury, commencing at the south-westerly angle of the Township of West Gwillimbury;

Thence northerly along the westerly boundary of the Township of West Gwillimbury to intersect the westerly prolongation of the northerly limit of the southerly half of Lot 1 in Concession XIII;

Thence easterly to and along the northerly limit of the southerly half of Concession XIII to the southeasterly angle of the northerly half of Lot 23 in Concession XIII;

Thence easterly along the easterly prolongation of the southerly limit of the northerly half of Lot 23 in Concession XIII to the middle of Cook's Bay of Lake Simcoe being a point on a line measured north 15° east from the middle of the mouth of the Holland River in accordance with subsection 12 (1) of the *Territorial Division Act*;

Thence south 15° west 750 metres to the middle of the mouth of the Holland River;

Thence southwesterly along the middle of the main channel of the Holland River to the westerly boundary of the Township of West Gwillimbury;

Thence northerly along the westerly boundary of the Township of West Gwillimbury to the point of commencement;

Excluding the lands lying within the Town of Bradford.

SCHEDULE C

The land described as follows:

Part of the Township of Tecumseth, commencing at the southeasterly angle of the Township of Tecumseth;

Thence westerly along the southerly boundary of the Township of Tecumseth to intersect the southerly prolongation of the westerly limit of Lot 23 in Concession I;

Thence northerly to and along the westerly limit of Lot 23 in concessions I, II, III, IV, V, VI, VII, VIII, IX, X, XI, XII and XIII to the northerly limit of the southerly half of Lot 23 in Concession XIII;

Thence easterly along the northerly limit of the southerly half of lots 23 and 24 in Concession XIII and the easterly prolongation thereof to the easterly boundary of the Township of Tecumseth;

Thence southerly along the easterly boundary of the Township of Tecumseth to the point of commencement.

SCHEDULE D

The land described as follows:

Part of the Township of Tecumseth commencing at the southwesterly angle of the Township of Tecumseth;

Thence easterly along the southerly boundary of the Township of Tecumseth to intersect the southerly prolongation of the easterly limit of Lot 22 in Concession I;

Thence northerly to and along the easterly limit of Lot 22 in concessions I, II, III, IV, V, VI, VII, VIII, IX, X, XI, XII and XIII to the northerly limit of the southerly half of Lot 22 in Concession XIII;

Thence westerly along the northerly limit of the southerly half of Lot 22 to the westerly limit of the northerly half of Lot 22;

Thence northerly along the westerly limit of Lot 22 in concessions XIII, XIV and XV and the northerly prolongation thereof to the northerly boundary of the Township of Tecumseth;

Thence westerly along the northerly boundary of the said Township to the easterly boundary of the Town of Alliston;

Thence southwesterly along the southeasterly boundaries of the said Town to the westerly boundary of the Township of Tecumseth;

Thence southerly along the westerly boundary of the said Township to the point of commencement;

Excluding the lands lying within the Village of Beeton and the Village of Tottenham.

SCHEDULE E

The land described as follows:

Commencing at the intersection of the northerly boundary of the Township of West Gwillimbury and the westerly limit of Lot 20 in Concession XV;

Thence southerly along the westerly limit of Lot 20 in concessions XV, XIV and XIII to the southerly limit of the northerly half of Lot 20 in Concession XIII;

Thence westerly along the southerly limit of the northerly half of Concession XIII to the westerly boundary of the Township of West Gwillimbury;

Thence northerly along the westerly boundary of the said Township to the southerly boundary of the Village of Cookstown;

Thence northeasterly along the southerly and easterly boundaries of the said Village to the northerly boundary of the Township of West Gwillimbury;

Thence easterly along the northerly boundary of the said Township to the point of commencement.

SCHEDULE F

The land described as follows:

Commencing at the intersection of the northerly boundary of the Township of West Gwillimbury and the westerly limit of Lot 20 in Concession XV;

Thence southerly along the westerly limit of Lot 20 in concessions XV, XIV and XIII to the southerly limit of the northerly half of Lot 20 in Concession XIII;

Thence easterly along the southerly limit of the northerly half of lots 20, 21, 22 and 23 to the southeasterly angle of the northerly half of Lot 23;

Thence easterly along the easterly prolongation of the southerly limit of the northerly half of Lot 23 in Concession XIII to the easterly boundary of the Township of West Gwillimbury;

Thence northerly along the easterly boundary of the said Township of the northeasterly angle of the said Township;

Thence westerly along the northerly boundary of the said Township to the point of commencement.

Bill 177

(Chapter 16
Statutes of Ontario, 1990)

An Act respecting the Amalgamation of certain Municipalities in the County of Simcoe

The Hon. J. Sweeney
Minister of Municipal Affairs

<i>1st Reading</i>	June 6th, 1990
<i>2nd Reading</i>	June 19th, 1990
<i>3rd Reading</i>	June 26th, 1990
<i>Royal Assent</i>	June 28th, 1990

Bill 177

1990

**An Act respecting the Amalgamation of
certain Municipalities in the County of Simcoe**

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HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Definitions

1.—(1) In this Act,

“Amalgamated Town” means The Corporation of the Town of the Amalgamated Municipalities of Alliston, Beeton, Tecumseth and Tottenham;

“County” means The Corporation of the County of Simcoe;

“County Council” means the council of the County;

“former municipality” means The Corporation of the Town of Alliston, The Corporation of the Town of Bradford, The Corporation of the Township of Innisfil, The Corporation of the Township of Tecumseth, The Corporation of the Township of West Gwillimbury, The Corporation of the Village of Beeton, The Corporation of the Village of Cookstown or The Corporation of the Village of Tottenham as they existed before the 1st day of January, 1991;

“Minister” means the Minister of Municipal Affairs;

“Municipal Board” means the Ontario Municipal Board;

“prescribed” means prescribed by the regulations;

“qualified elector” means a qualified elector under the *Municipal Elections Act*;

R.S.O. 1980,
c. 308

“town municipality” means The Corporation of the Town of Innisfil, The Corporation of the Town of Bradford West Gwillimbury or The Corporation of the Town of the Amalgamated Municipalities of Alliston, Beeton, Tecumseth and Tottenham created by the amalgamations under section 2.

(2) A reference in this Act to the Town of Innisfil, the Town of Bradford West Gwillimbury or the Amalgamated Town is a reference to the geographic area comprising those municipalities or a reference to the municipal corporation bearing that name, as the context requires. Idem

PART I

TOWN MUNICIPALITIES

2.—(1) On the 1st day of January, 1991,

Amalgamations

- (a) the Township of Innisfil, the Village of Cookstown and those portions of the Township of West Gwillimbury and the Township of Tecumseth described in Schedule A are amalgamated as a town municipality under the name of The Corporation of the Town of Innisfil;
- (b) the Town of Bradford, the portion of the Township of West Gwillimbury described in Schedule B and the portion of the Township of Tecumseth described in Schedule C are amalgamated as a town municipality under the name of The Corporation of the Town of Bradford West Gwillimbury; and
- (c) the Town of Alliston, the Village of Beeton, the Village of Tottenham and the portion of the Township of Tecumseth described in Schedule D are amalgamated as a town municipality under the name of The Corporation of the Town of the Amalgamated Municipalities of Alliston, Beeton, Tecumseth and Tottenham.

(2) The Town of Innisfil shall be deemed to be a township for all purposes related to the Police Village of Thornton.

Deemed township

(3) Upon the application of The Corporation of the Township of Essa, the Township of Innisfil or the Town of Innisfil, the Municipal Board may by order on such terms as it considers expedient, dissolve the Police Village of Thornton.

Application to O.M.B.

(4) Section 25 of the *Municipal Act* applies with necessary modifications to an application and a dissolution under subsection (3).

Application of R.S.O. 1980, c. 302, s. 25

(5) The Town of Innisfil may continue any application by the Township of Innisfil under subsection (3).

Continuation of application

R.S.O. 1980,
c. 347, ss. 94
and 95 do
not apply

(6) Sections 94 and 95 of the *Ontario Municipal Board Act* do not apply to decisions or orders of the Municipal Board under subsection (3).

Change of
name

(7) During 1992 the Minister may by order alter the name of the Amalgamated Town.

Composition
of town
council
R.S.O. 1980,
c. 302

3.—(1) Despite section 32 of the *Municipal Act*, commencing the 1st day of December, 1991, the council of each town municipality shall be composed of a mayor and a county councillor who shall be elected by general vote and seven additional members who shall be elected by wards.

One vote

(2) Each member of a council of a town municipality has one vote.

No board of
control

(3) A town municipality shall not have a board of control.

Joint
proposal

4.—(1) A joint proposal shall be submitted on behalf of each future town municipality to the Minister, no later than the 1st day of October, 1990, to divide each town municipality into wards and the proposal shall contain the number of wards, the boundaries of each ward and the number of members of council to be elected from each ward in that town municipality.

Idem

(2) The joint proposal shall be submitted,

- (a) on behalf of the future Town of Innisfil, by the councils of the Township of Innisfil and the Village of Cookstown;
- (b) on behalf of the future Town of Bradford West Gwillimbury, by the councils of the Town of Bradford and the Township of West Gwillimbury; and
- (c) on behalf of the future Amalgamated Town, by the councils of the Town of Alliston, the Village of Beeton, the Township of Tecumseth and the Village of Tottenham.

Order of
Minister

(3) After the expiration of the time for the submission of proposals under subsection (1), the Minister shall by order establish for each town municipality,

- (a) the number of wards;
- (b) the boundaries of the wards; and

- (c) the number of members of council, up to a maximum of two members, to be elected from each ward.

(4) An order under subsection (3) may provide for a different number of members to be elected from different wards within the same town municipality. Idem

(5) An order under subsection (3) shall come into effect on the 1st day of December, 1991 but the regular election held in 1991 shall be conducted as if the order was in effect. Effective date of order

5.—(1) Upon the application of a town municipality under subsection 13 (2) of the *Municipal Act*, or upon the petition of electors under subsection 13 (3) of that Act, the Municipal Board may by order, O.M.B. order
R.S.O. 1980, c. 302

- (a) divide or redivide the town municipality into wards and designate the name or number each ward shall bear;
- (b) alter the boundaries of any or all of the wards in the town municipality; and
- (c) determine the number of members of council, up to a maximum of two members, to be elected from each ward.

(2) An order made under subsection (1) shall come into effect on the 1st day of December in 1994 or on the 1st day of December in any subsequent year in which regular elections under the *Municipal Elections Act* occur but the regular elections held in that year shall be conducted as if the order was in effect. Date order effective

R.S.O. 1980, c. 308

(3) An order under subsection (1) shall not alter the total number of members who represent the town municipality on the County Council or the number of votes assigned to the members under this Act. Limitation

(4) An order under subsection (1) may provide for a different number of members to be elected from different wards within the same town municipality. Variation between wards

(5) Despite subsection (1), the mayor and the county councillor of the town municipality shall continue to be elected by a general vote of the electors of the town municipality and shall be members of the County Council, and the mayor shall be the head of council of the town municipality. Election of mayor, county councillor

Where
inquiry by
Minister

(6) Where the Minister is inquiring into the structure, organization and methods of operation of a town municipality, the Minister may give notice to the Municipal Board of the inquiry and request that any application or petition made under subsection (1) be deferred until the inquiry has been completed.

Idem

(7) If notice is given under subsection (6), all proceedings in the application or petition are stayed until the Minister gives notice to the Municipal Board that they may be continued.

By-laws,
resolutions of
former
municipalities

6.—(1) Every by-law and resolution of a former municipality pertaining to an area included in a town municipality shall be deemed to be a by-law or resolution of the town municipality of which that area now forms a part and shall remain in force in that area until the earlier of,

(a) the date it is amended or repealed by the council of the town municipality; and

(b) the 31st day of December, 1994.

By-laws,
official plans
under
1983, c. 1

(2) Despite subsection (1), any by-law of a former municipality passed under section 34 of the *Planning Act, 1983*, or a predecessor of that section, and any official plan of a former municipality approved under the *Planning Act, 1983*, or a predecessor of that Act, pertaining to an area in a town municipality shall be deemed to be a by-law or official plan of the town municipality of which that area now forms a part and shall remain in force in that area until amended or repealed.

By-laws that
require
approval

(3) If a former municipality has commenced procedures to enact a by-law under any Act or to adopt an official plan or amendment thereto under the *Planning Act, 1983*, and that by-law, official plan or amendment applies to an area located in a town municipality and is not in force on the 1st day of January, 1991, the council of that town municipality may continue the procedures to enact the by-law or adopt the official plan or amendment to the extent that it applies to the area of that town municipality.

Subss. (1)
and (2) apply

(4) Subsections (1) and (2) apply with necessary modifications to the by-law, official plan or amendments thereto.

By-laws,
resolutions
not affected

(5) Nothing in this section repeals or authorizes the amendment or repeal of,

- (a) by-laws or resolutions of the former municipalities passed under section 45, 58 or 61 of the *Drainage Act* or a predecessor of those sections; and R.S.O. 1980, c. 126
- (b) by-laws or resolutions conferring rights, privileges, franchises, immunities or exemptions that could not have been lawfully repealed by the councils of the former municipalities.

(6) Despite section 74 of the *Drainage Act*, and any by-law of the former municipalities, on and after the 1st day of January, 1991, 40.733 per cent of the costs of operating, maintaining and repairing the drainage works known locally as the Holland Marsh Drainage Scheme shall be assessed against the lands and roads in the Town of Bradford West Gwillimbury benefiting from the drainage works as follows: Drainage works

1. 34.393 per cent shall be assessed against the lands.
2. 3.440 per cent shall be assessed against the roads of the Town.
3. 2.1 per cent shall be assessed against the roads of the County.
4. 0.800 per cent shall be assessed against provincial highways.

(7) Subsection (6) shall remain in force until amended or repealed in the same manner as such assessment and apportionment of costs may be amended or repealed under the *Drainage Act*. Idem

7. Except as otherwise provided in this Act, the assets and liabilities of a former municipality and its local boards pertaining to the area included in a particular town municipality become assets and liabilities of that town municipality or a local board thereof without compensation, and the town municipality and its local boards stand in the place of the former municipality and its local boards. Transfer of assets and liabilities

8. Except as otherwise provided in this Act, all taxes, charges or rates levied by a former municipality or its local boards under any general or special Act that are due and unpaid on the 31st day of December, 1990, pertaining to the lands included in a particular town municipality, shall, on the 1st day of January, 1991, be due and payable to the town municipality or a local board thereof and may be collected and recovered as if the taxes, charges or rates had been imposed by the town municipality or the local board thereof. Transfer of taxes, charges and rates

Special
collector's
roll

9.—(1) The clerk of the Town of Bradford West Gwillimbury shall, as soon as practicable after the 1st day of January, 1991, prepare and furnish to the clerk of the Town of Innisfil a special collector's roll showing all arrears of taxes, charges or rates assessed against that portion of the Township of West Gwillimbury being amalgamated with the Town of Innisfil up to and including the 31st day of December, 1990, and the persons assessed therefor.

Payment

(2) On or before the 1st day of April, 1991, the Town of Innisfil shall pay to the Town of Bradford West Gwillimbury an amount equal to the arrears of taxes, charges and rates contained on the special collector's roll under subsection (1).

Special
collector's
roll

(3) The clerk of the Amalgamated Town shall, as soon as practicable after the 1st day of January, 1991, prepare and furnish to the clerk of the Town of Innisfil a special collector's roll showing all arrears of taxes, charges or rates assessed against that portion of the Township of Tecumseth being amalgamated with the Town of Innisfil up to and including the 31st day of December, 1990, and the persons assessed therefor.

Payment

(4) On or before the 1st day of April, 1991, the Town of Innisfil shall pay to the Amalgamated Town an amount equal to the arrears of taxes, charges and rates contained on the special collector's roll under subsection (3).

Special
collector's
roll

(5) The clerk of the Amalgamated Town shall, as soon as practicable after the 1st day of January, 1991, prepare and furnish to the clerk of the Town of Bradford West Gwillimbury a special collector's roll showing all arrears of taxes, charges or rates assessed against that portion of the Township of Tecumseth being amalgamated with the Town of Bradford West Gwillimbury up to and including the 31st day of December, 1990, and the persons assessed therefor.

Payment

(6) On or before the 1st day of April, 1991, the Town of Bradford West Gwillimbury shall pay to the Amalgamated Town an amount equal to the arrears of taxes, charges and rates contained on the special collector's roll under subsection (5).

Committees
of adjustment
dissolved

10.—(1) Subject to subsection (5), on the 1st day of January, 1991, all committees of adjustment of the former municipalities are dissolved.

Establish-
ment of
committees
of adjustment
1983, c. 1

(2) Each town municipality shall establish a committee of adjustment under section 43 of the *Planning Act, 1983* and shall delegate its authority under subsection 53 (2) of the

Planning Act, 1983 to the committee and, for this purpose, the County shall be deemed to have received the approval of the Minister and to have delegated to each town municipality the authority under subsection 53 (1) of the *Planning Act, 1983* for the giving of consents.

(3) Nothing in subsection (2) prevents the delegation, withdrawal of delegation or redelegation of the authority to give consents.

Delegation
power
unaffected

(4) All applications to a committee of adjustment dissolved under subsection (1) shall be deemed to be applications to and shall be continued by the committee of adjustment of the town municipality in which the lands that are the subject of the application are located.

Applications
continued

(5) The committees of adjustment dissolved under subsection (1) and the terms of office of the members of the committees shall continue to the 31st day of January, 1991 for the purpose of making a decision on any application for which a hearing is completed before the 1st day of January, 1991.

Continuing
matters

11.—(1) The council of each town municipality shall be deemed to be a recreation committee under the *Ministry of Tourism and Recreation Act, 1982*, a committee of management of a community recreation centre under the *Community Recreation Centres Act* and a board of park management under the *Public Parks Act* and all such committees and boards of the former municipalities are dissolved on the 1st day of January, 1991.

Dissolution
of
committees,
boards under
1982, c. 7,
R.S.O. 1980,
cc. 80, 417

(2) Every by-law and resolution of the boards and committees dissolved under subsection (1) pertaining to an area included in a particular town municipality shall be deemed to be a by-law and resolution of the town municipality of which that area now forms a part, and shall remain in force in that area until the earlier of,

Idem

- (a) the date it is amended or repealed by the town municipality; and
- (b) the 31st day of December, 1994.

(3) Nothing in this section repeals or authorizes the amendment or repeal of by-laws or resolutions conferring rights, privileges, franchises, immunities or exemptions that could not have been lawfully repealed by the boards and committees dissolved under subsection (1).

Certain
by-laws,
resolutions
continue

Employees

12.—(1) Every person who is employed by the Township of Innisfil or a local board thereof or by the Village of Cookstown or a local board thereof on the 1st day of July, 1990 and who continues to be so employed until the 31st day of December, 1990 becomes on the 1st day of January, 1991, an employee of the Town of Innisfil or a local board thereof.

Idem

(2) Every person who is employed by the Town of Bradford or a local board thereof or by the Township of West Gwillimbury or a local board thereof on the 1st day of July, 1990 and who continues to be so employed until the 31st day of December, 1990, becomes on the 1st day of January, 1991, an employee of the Town of Bradford West Gwillimbury or a local board thereof.

Idem

(3) Every person who was employed by the Town of Alliston or a local board thereof, by the Village of Beeton or a local board thereof, by the Township of Tecumseth or a local board thereof or by the Village of Tottenham or a local board thereof on the 1st day of July, 1990 and who continues to be so employed until the 31st day of December, 1990, becomes on the 1st day of January, 1991, an employee of the Amalgamated Town or a local board thereof.

Wages

(4) Any person who becomes an employee of a town municipality or a local board thereof under subsection (1), (2) or (3) shall receive a wage or salary of not less than the amount that that person was receiving on the 31st day December, 1990.

Order
respecting
employees

(5) The Minister may by order define employee for the purposes of this section and provide for the security of employment, the protection of benefits, including seniority and pensions, and early retirement options for employees affected by this Act.

PART II

COUNTY COUNCIL

Application
1988, c. Pr36
R.S.O. 1980,
c. 302

13. This Part applies despite the *County of Simcoe Act, 1988* and sections 27, 28 and 29 of the *Municipal Act*.

Represent-
ation on
County
Council

14.—(1) After the 30th day of November, 1991, each town municipality shall be represented on County Council by its mayor and county councillor.

Voting

(2) The members of the County Council under subsection (1) shall have a total of fifteen votes of which each mayor

shall have three votes and each county councillor shall have two votes.

15. Section 39a of the *Municipal Act* applies with necessary modifications to members of County Council under this Part.

Vacancies
R.S.O. 1980,
c. 302

16. The County Council may by by-law provide that a member who in council has one or more additional votes by virtue of this Part shall as a member of any committee have the same number of additional votes.

Voting on
committees

PART III

PUBLIC UTILITY COMMISSIONS

17.—(1) All public utility commissions of the former municipalities established under any Act and all committees of council of the former municipalities responsible for public utilities are dissolved on the 1st day of January, 1991.

Dissolution

(2) On the 1st day of January, 1991,

Commissions
established

- (a) a hydro-electric power commission is hereby established for each of the Town of Innisfil and the Amalgamated Town; and
- (b) a combined hydro-electric power and water commission is hereby established for the Town of Bradford West Gwillimbury.

(3) Each commission established under subsection (2) shall be deemed to be a commission established under Part III of the *Public Utilities Act* and a municipal commission within the meaning of the *Power Corporation Act*.

Deemed
commission
under
R.S.O. 1980,
cc. 423, 384

18.—(1) Despite section 41 of the *Public Utilities Act*, the members of the commission established under this Part shall, after the 30th day of November, 1991, be determined in accordance with this section.

Composition
of
commission
R.S.O. 1980,
c. 423

(2) The commission of the Town of Innisfil shall be composed of the mayor of the Town of Innisfil and,

Town of
Innisfil

- (a) for the term commencing the 1st day of December, 1991, four other members, who are qualified electors of the Town of Innisfil and who are not members of council of the Town of Innisfil, appointed by the council of the Town of Innisfil at its first meeting of that term; and

- (b) for the term commencing the 1st day of December, 1994 and all terms thereafter, four other members who are qualified electors elected by general vote of the electors of the Town of Innisfil.

Town of
Bradford
West
Gwillimbury

(3) The commission of the Town of Bradford West Gwillimbury shall be composed of,

- (a) the mayor of the Town of Bradford West Gwillimbury; and
- (b) four other members who are qualified electors of the Town of Bradford West Gwillimbury and one of whom may be a member of the council of the Town of Bradford West Gwillimbury, appointed by the council of the Town of Bradford West Gwillimbury at its first meeting of each term.

Amalgamated
Town

(4) The commission of the Amalgamated Town shall be composed of,

- (a) the mayor of the Amalgamated Town; and
- (b) four other members who are qualified electors of the Amalgamated Town in an area served by the commission, elected by wards.

Minister's
order

(5) For the purpose of clause (4) (b), the Minister may, by order,

- (a) establish the number of wards, the boundaries of the wards, the number of members of the commission, up to a maximum of two members, to be elected from each ward; and
- (b) provide additional qualifications for the members of the commission to be elected from each ward.

Idem

(6) An order under subsection (5) may provide for a different number of members to be elected from different wards.

Effective
date of order

(7) An order under subsection (5) shall come into effect on the 1st day of December, 1991 but the regular election held in 1991 shall be conducted as if the order was in effect.

O.M.B.
order

(8) Section 5, except subsection (5), applies with necessary modifications to the matters set out in clause (5) (a).

Minister's
order

(9) The Minister, after an order has been issued by the Municipal Board under subsection (8), may by order provide

additional qualifications for the members of the commission to be elected from each ward.

(10) Despite subsection (2), the council of the Town of Innisfil may, by by-law passed before an appointment is made under clause (2) (a), provide that only two members be appointed to the commission for the term commencing the 1st day of December, 1991, but a by-law under this subsection shall not be repealed once an appointment has been made. Number of members reduced

(11) Despite subsection (2), the council of the Town of Innisfil may, by by-law passed during 1993, provide that only two members be elected to the commission under clause (2) (b) for the term commencing the 1st day of December, 1994 and all subsequent terms, but a by-law under this subsection shall not be repealed after the 31st day of December, 1993. Idem

19. A member of a commission shall hold office for the same term as the members of council or until the successor of the member is elected or appointed. Term

20. The council of a town municipality may, by by-law passed with the written consent of the mayor, appoint a delegate from among the members of the council to represent the mayor on the commission for that town municipality. Delegate of mayor

21. On the 1st day of January, 1991, the assets of a former municipality and the assets under the control and management of a commission dissolved under subsection 17 (1), and the liabilities of a former municipality and of a commission dissolved under subsection 17 (1), Transfer of assets, liabilities

- (a) if they relate to the distribution and supply of electrical power and pertain to an area in a town municipality, become assets under the control and management of and liabilities of the commission of that town municipality, without compensation;
- (b) if they relate to the production, treatment, distribution and supply of water and pertain to an area in the Town of Innisfil or the Amalgamated Town, become assets and liabilities of the Town of Innisfil or the Amalgamated Town, respectively, without compensation; and
- (c) if they relate to the production, treatment, distribution and supply of water and pertain to an area in the Town of Bradford West Gwillimbury, become assets under the control and management of and lia-

bilities of the commission of the Town of Bradford West Gwillimbury, without compensation.

By-laws,
resolutions
continued

22.—(1) On the 1st day of January, 1991, every by-law and resolution of a former municipality and of a commission of a former municipality dissolved under subsection 17 (1),

- (a) if they relate to the distribution and supply of electrical power and pertain to an area in a town municipality, shall be deemed to be a by-law or resolution of the commission of the town municipality of which that area now forms a part;
- (b) if they relate to the production, treatment, distribution and supply of water and pertain to an area in the Town of Innisfil or the Amalgamated Town, shall be deemed to be a by-law or resolution of the Town of Innisfil or the Amalgamated Town respectively; and
- (c) if they relate to the production, treatment, distribution and supply of water and pertain to an area in the Town of Bradford West Gwillimbury, shall be deemed to be a by-law or resolution of the commission of the Town of Bradford West Gwillimbury.

Idem

(2) A by-law or resolution deemed to continue under subsection (1) shall remain in force until the earlier of the date they are amended or repealed by the commission or the town municipality, as the case may be, and the 31st day of December, 1994.

Certain
by-laws,
resolutions
remain
effective

(3) Nothing in this section repeals or authorizes the amendment or repeal of by-laws or resolutions conferring rights, privileges, franchises, immunities or exemptions that could not have been lawfully repealed by the former municipality or by a commission of that former municipality dissolved under subsection 17 (1).

Distribution
of power to
continue
R.S.O. 1980,
c. 423

23. Subject to section 24 of this Act and despite section 18 of the *Public Utilities Act*, Ontario Hydro shall continue to distribute and supply power in those parts of each town municipality that Ontario Hydro served on the 31st day of December, 1990.

Additional
areas

24.—(1) A town municipality, without the assent of the municipal electors, may pass by-laws describing additional areas of that town municipality which shall be served with hydro-electric power by the commission of that town municipality.

(2) Each town municipality shall pass a by-law under subsection (1) on or before the 31st day of December, 1991.

By-law to be passed

(3) If no notice of appeal is filed under subsection (12), a by-law under subsection (1) shall come into force on the thirtieth day after the expiry of the appeal period.

Effective date

(4) If one or more appeals have been filed under subsection (12), a by-law under subsection (1), as amended by the Municipal Board, shall come into force on the thirtieth day after the final order of the Municipal Board is issued disposing of all the appeals.

Idem

(5) A by-law under subsection (1) shall not be amended for five years unless both Ontario Hydro and the town municipality consent to an earlier amendment.

Restriction

(6) If the council of a town municipality has not complied with subsection (2), or more than five years have passed since the last by-law under subsection (1) has come into force in that town municipality, any person may apply to the council of that town municipality requesting the council to pass or to amend a by-law under subsection (1).

Application respecting by-law

(7) If an application under subsection (6) is refused or the council refuses or neglects to make a decision thereon within ninety days after receipt of the application by the clerk, the applicant may appeal to the Municipal Board and the Board shall hear the appeal and may,

Application to O.M.B.

- (a) dismiss the appeal;
- (b) pass a by-law under subsection (1) which shall be deemed to be a by-law of that town municipality; or
- (c) amend a by-law under subsection (1) in such manner as the Board may determine,

and any such by-law or amendment comes into force thirty days after the day the order of the Board is issued.

(8) Before passing a by-law under this section, except a by-law passed or amended by the Municipal Board under subsection (7) or (19), the council of the town municipality shall ensure that sufficient information is made available to enable the public to understand generally the proposed by-law and, for this purpose, shall hold at least one public meeting, notice of which shall be given in the manner and in the form and to the persons and agencies prescribed.

Notice of proposed by-law

Public
meeting

(9) The meeting under subsection (8) shall not be held sooner than twenty days after the requirements for the giving of notice have been complied with and any person who attends the meeting shall be afforded an opportunity to make representations in respect of the proposed by-law.

Changes to
by-law

(10) If a change is made in a proposed by-law after the holding of a meeting under subsection (8), the council is not required to give any further notice in respect of the proposed by-law.

Notice of
by-law

(11) Upon the passing of a by-law under this section, except a by-law passed or amended by the Municipal Board under subsection (7) or (19), the clerk of the town municipality shall give written notice of the passing of the by-law in the manner and in the form and to the persons and agencies prescribed and the notice shall specify the last day for filing a notice of appeal under subsection (12).

Appeal to
O.M.B.

(12) Any person may, not later than the twentieth day after the day that the giving of written notice as required by subsection (11) is completed, appeal to the Municipal Board by filing with the clerk of the town municipality a notice of appeal setting out the objection to the by-law and the reasons in support of the objection.

Notice
completed

(13) For the purposes of subsection (12), the giving of written notice shall be deemed to be completed,

- (a) where notice is given by publication in a newspaper, on the day that such publication occurs;
- (b) where notice is given by personal service, on the day that the serving of all required notices is completed; and
- (c) where notice is given by mail, on the day that the mailing of all required notices is completed.

Statement of
clerk

(14) An affidavit or declaration of the clerk of the municipality that notice was given as required by subsection (11) or that no notice of appeal was filed under subsection (12) within the time allowed for appeal is conclusive evidence of the facts stated therein.

Record

(15) The clerk of the town municipality, upon receipt of a notice of appeal under subsection (12), shall compile a record which shall include,

- (a) a copy of the by-law certified by the clerk;

- (b) an affidavit or declaration duly sworn certifying that the requirements for the giving of notice as mentioned in subsection (11) have been complied with; and
- (c) the original or a true copy of all written submissions and material in support of the submissions received in respect of the by-law before the passing thereof.

(16) The clerk shall forward the notice of appeal and the record to the secretary of the Municipal Board within fifteen days of the expiry of the appeal period and shall provide such other information or material the Board may require in respect of the appeal.

Documents
to be
forwarded to
O.M.B.

(17) The Municipal Board shall hold a hearing of which notice shall be given to such persons or bodies and in such manner as the Board may determine.

Hearing

(18) Despite subsection (17), the Municipal Board may, where it is of the opinion that the reasons given for an appeal under subsection (7) or (12) are insufficient, dismiss the appeal without holding a full hearing but before so dismissing the appeal shall give the appellant an opportunity to make representations as to the merits of the appeal.

Early
dismissal

(19) The Municipal Board may dismiss the appeal or allow the appeal in whole or in part and repeal the by-law in whole or in part or amend the by-law in such manner as the Board may determine.

Powers of
O.M.B.

(20) A by-law under this section shall not have the effect of removing any area which was served with hydro-electric power by the commission of a town municipality on the day before the by-law comes into force from the service area of that commission.

Restriction

(21) In considering what additional areas of a town municipality should be added to the service area of the commission of that town municipality under this section, the town municipality and the Municipal Board shall have regard to the potential growth and development of the town municipality in the foreseeable future.

Criteria for
determination

(22) On the day a by-law comes into force in a town municipality under this section, the commission for that town municipality shall acquire the retail distribution facilities within the expanded service area of that commission used by Ontario Hydro in the retail distribution of power on the day before the by-law came into force, including equipment leased by

Acquisition
of facilities

Ontario Hydro to retail customers within the expanded service area for the use of that power.

Cost of
facilities

(23) The price of the facilities shall be equal to the original cost of the facilities less the sum of the accumulated net retail equity of the customers supplied with power through the facilities and the accumulated depreciation associated with the facilities.

Definition

(24) In subsection (22), “retail distribution facilities” means works for the transmission and supply of power at voltages less than 50 kilovolts other than works located within a transformer station that transforms power from voltages greater than 50 kilovolts to voltages less than 50 kilovolts.

Idem

(25) In subsection (23), “accumulated net retail equity” means the portion of the equity accumulated through debt retirement appropriations recorded for the rural power district relating to Ontario Hydro’s rural retail system plus the portion of the balance recorded for rural retail customers in the Stabilization of Rates and Contingencies Account in the books of Ontario Hydro.

Regulations

(26) The Lieutenant Governor in Council may, upon the recommendation of the Minister, make regulations,

- (a) prescribing for the purpose of subsections (8) and (11), the persons and agencies that are to be given notice and the manner and form in which notice is to be given;
- (b) providing for the security of employment, the protection of benefits, including seniority and pensions, and early retirement options for employees of Ontario Hydro, town municipalities and the commission of the town municipalities affected by the expansion of the service area of a commission under this section;
- (c) exempting any matter related to the expansion of the service area of a commission under this section from the requirement of obtaining the assent of the electors of a town municipality;
- (d) deeming any matter related to the expansion of the service area of a commission under this section to be a matter within the meaning of subsection 149 (2) of the *Municipal Act*.

25.—(1) If the purchase price of the retail distribution facilities of Ontario Hydro under subsection 24 (22) is not agreed upon within one year after the date on which the commission commences distributing and supplying power in its expanded service area, the commission or Ontario Hydro may, at any time thereafter, request that the purchase price be determined by a single arbitrator agreed on by the commission and Ontario Hydro. Arbitrator

(2) The *Arbitrations Act* applies where a request is made under subsection (1). R.S.O. 1980, c. 25 applies

(3) The decision of an arbitrator under subsection (1) is not subject to appeal. Decision final

PART IV

POLICE SERVICES

26. The Board of Commissioners of Police of the Township of Innisfil and the committees of council of the Town of Bradford and the Town of Alliston responsible for policing are dissolved on the 1st day of January, 1991. Dissolution

27.—(1) A board of commissioners of police is hereby established for each of the town municipalities on the 1st day of January, 1991. Board of commissioners of police

(2) Each board established under subsection (1) shall be deemed to be a board established under section 8 of the *Police Act*. Deemed board under R.S.O. 1980, c. 381

(3) After the 30th day of November, 1991, each board shall be composed of those members provided for under section 8 of the *Police Act*. Composition of board

28. On the 1st day of January, 1991, Transfer of assets and liabilities

(a) the assets under the control and management of the Board of Commissioners of Police of the Township of Innisfil dissolved under section 26 and the liabilities of such board become assets under the control and management of and liabilities of the board of the Town of Innisfil, without compensation;

(b) the assets and liabilities of the Town of Bradford related to policing become assets under the control and management of and liabilities of the board of the Town of Bradford West Gwillimbury, without compensation; and

- (c) the assets and liabilities of the Town of Alliston related to policing become assets under the control and management of and liabilities of the board of the Amalgamated Town, without compensation.

Continuation
of by-laws,
resolutions

29.—(1) On the 1st day of January, 1991,

- (a) all by-laws and resolutions of the Board of Commissioners of Police of the Township of Innisfil dissolved under this Part are continued as by-laws and resolutions of the board of the Town of Innisfil;
- (b) all by-laws and resolutions of the Town of Bradford relating to the governing of its police force are continued as by-laws and resolutions of the board of the Town of Bradford West Gwillimbury; and
- (c) all by-laws and resolutions of the Town of Alliston relating to the governing of its police force are continued as by-laws and resolutions of the board of the Amalgamated Town.

Limitation

(2) By-laws and resolutions continued by clauses (1) (a), (b) and (c) apply only in the area of the Township of Innisfil, the Town of Bradford and the Town of Alliston, respectively.

Expiry

(3) By-laws and resolutions continued by subsection (1) shall remain in force until the earlier of,

- (a) the date they are amended or repealed by the board; and
- (b) the 31st day of December, 1994.

Certain by-
laws,
resolutions
remain
effective

(4) Nothing in this section repeals or authorizes the amendment or repeal of by-laws or resolutions conferring rights, privileges, franchises, immunities or exemptions that could not have been lawfully repealed or amended by the board or municipality which originally enacted the by-laws or resolutions.

Agreement
respecting
police
services

30.—(1) Subject to subsection (4), the Solicitor General, upon the application of the council of a town municipality or upon the joint application of the councils of the requesting municipalities of a town municipality described in subsection (2), shall enter into an agreement with the town municipality or the requesting municipalities of the town municipality, as the case may be, under section 64 of the *Police Act* for the Ontario Provincial Police Force to provide police services for five years, or such shorter time as may be requested, com-

mencing the 1st day of January, 1991, in those areas of the town municipality in which the Ontario Provincial Police Force was providing police services on the 31st day of December, 1990.

(2) The requesting municipalities under subsection (1) are, Requesting municipalities

- (a) the Township of Innisfil and the Village of Cookstown for the Town of Innisfil;
- (b) the Town of Bradford and the Township of West Gwillimbury for the Town of Bradford West Gwillimbury;
- (c) the Town of Alliston, the Village of Beeton, the Township of Tecumseth and the Village of Tottenham for the Amalgamated Town.

(3) An application under subsection (1) shall be made no later than the 31st day of January, 1991. Timing of application

(4) The Solicitor General may refuse to enter into an agreement to provide police services under subsection (1) unless the town municipality or the requesting municipalities of the town municipality, as the case may be, Conditions to be met

- (a) agree to pay the compensation established by the Solicitor General for the police services; and
- (b) agree to purchase the type and level of police services that, in the opinion of the Solicitor General, is required to properly police the town municipality.

(5) An agreement under subsection (1) between the Solicitor General and the requesting municipalities of a town municipality shall on the 1st day of January, 1991 be deemed to be an agreement between the Solicitor General and the town municipality. Transfer of agreement

31.—(1) If, on the 1st day of January, 1991, a town municipality does not have an agreement with the Solicitor General under section 30, the Ontario Provincial Police Force shall continue to provide police services in the area of the town municipality in which the Ontario Provincial Police Force was providing police services on the 31st day of December, 1990 until the Ontario Police Commission is satisfied the board of that town municipality has made adequate provision for the proper policing of the town municipality. Where no agreement

Payment for
police
services

(2) The cost of the Ontario Provincial Police Force providing police services under subsection (1) shall be charged to the town municipality and may be deducted from any grant payable out of provincial funds to the town municipality or may be recovered with costs by action in any court of competent jurisdiction as a debt due to the Crown.

PART V

PUBLIC LIBRARIES

Transfer of
assets,
liabilities

32.—(1) All library boards of the former municipalities are dissolved on the 1st day of January, 1991, and their assets and liabilities pertaining to the area in a particular town municipality are transferred to the board for that town municipality established under subsection (2), without compensation.

Library
boards
established

(2) A public library board for each town municipality is hereby established on the 1st day of January, 1991, and each board shall be deemed to be a public library board under Part I of the *Public Libraries Act, 1984*.

1984, c. 57

Continuation
of by-laws,
etc.

(3) All by-laws, rules, regulations and fees pertaining to the area in a particular town municipality passed or established by the boards dissolved under subsection (1) are continued as by-laws, rules, regulations and fees of the board for that town municipality established under subsection (2) and shall remain in force until the earlier of,

(a) the date they are amended or repealed by the board; and

(b) the 31st day of December, 1994.

Certain
by-laws
continued

(4) Nothing in this section repeals or authorizes the amendment or repeal of by-laws conferring rights, privileges, franchises, immunities or exemptions that could not have been lawfully repealed by a board dissolved under subsection (1).

PART VI

FINANCES

Definitions

33. In this Part,

“average municipal commercial mill rate” means, in respect of a local municipality, the rate obtained by dividing the total of taxes levied for all purposes, other than for school purposes and other than under sections 32 and 33 of the *Assessment Act*, on the commercial assessment for the sec-

and preceding year by the total commercial assessment for the second preceding year and multiplying the result by 1,000;

“commercial assessment” means commercial assessment as defined in clause 1 (1) (b) of the *Ontario Unconditional Grants Act*; R.S.O. 1980,
c. 359

“discounted assessment” means, for a local municipality or for a merged area, the sum of,

- (a) the product obtained by multiplying the residential and farm assessment for that local municipality or that merged area by its prescribed discount factor, and
- (b) the commercial assessment for that local municipality or that merged area;

“discounted equalized assessment” means,

- (a) for each local municipality, the sum of the discounted assessment and the equivalent assessment of that local municipality divided by its prescribed equalization factor and multiplied by 100, and
- (b) for each merged area, the discounted assessment of the merged area divided by its prescribed equalization factor and multiplied by 100;

“equivalent assessment” means, for a local municipality, except a town municipality, the assessment obtained by dividing that portion of its payments in lieu of taxes in the second preceding year, as defined in clause 365 (1) (j) of the *Municipal Act*, not allocated for school purposes, by the average municipal commercial mill rate and multiplying the result by 1,000; R.S.O. 1980,
c. 302

“local municipality” means a town, village and township which forms part of the County for municipal purposes;

“merged area” means,

- (a) in the case of the Town of Innisfil, the area of the Township of Innisfil, the Village of Cookstown, the portion of the Township of Tecumseth forming part of the said town, or the portion of the Township of West Gwillimbury forming part of the said town,

- (b) in the case of the Town of Bradford West Gwillimbury, the area of the Town of Bradford, the portion of the Township of West Gwillimbury forming part of the Town of Bradford West Gwillimbury or the portion of the Township of Tecumseth forming part of the Town of Bradford West Gwillimbury, and
- (c) in the case of the Amalgamated Town, the area of the Town of Alliston, the Village of Beeton, the Village of Tottenham, or the portion of the Township of Tecumseth forming part of the Amalgamated Town;

“net county levy” means the amount required for County purposes under subsection 365 (6) of the *Municipal Act* including the sums required for any board, commission or other body, apportioned to each local municipality by the County;

“net lower tier levy” means the amount required for the purposes of a local municipality under section 164 of the *Municipal Act* including the sums required for any board, commission or other body, but excluding amounts required to be raised for County and school purposes or for a special rate imposed under section 42;

“residential and farm assessment” means residential and farm assessment as defined in clause 7 (1) (e) of the *Ontario Unconditional Grants Act*.

Prescribed
factors

34.—(1) For purposes of apportioning the net county levy or the net lower tier levy among the merged areas, the Minister may, in each year, prescribe the equalization factor and the discount factor to apply for that year to each local municipality within the County and each merged area.

Notification
by Minister

(2) For purposes of determining the discounted equalized assessment for each town municipality, the Ministry of Municipal Affairs may, in each year, calculate and notify the treasurer of the County of the equivalent assessment for each town municipality.

Annual
County
apportion-
ments

R.S.O. 1980,
c. 302

(3) Despite subsection 365 (6) of the *Municipal Act*, the treasurer of the County shall determine,

- (a) the discounted equalized assessment of each local municipality in the County;
- (b) the discounted equalized assessment of the County; and

- (c) the percentage share of apportionment, correct to three decimal places, for each local municipality by dividing the discounted equalized assessment for each local municipality by the discounted equalized assessment of the County and multiplying the result by 100.

35.—(1) In each year, the Ministry of Municipal Affairs shall calculate and notify each town municipality of the discounted equalized assessment for each merged area of that town municipality.

Notification
by Minister

(2) Despite subsection 7 (2) of the *Ontario Unconditional Grants Act*, the net county levy and the net lower tier levy of a town municipality shall be levied against the whole rateable property, including business assessment thereon, of that town municipality and apportioned between the merged areas of that town municipality in the proportion that the discounted equalized assessment for each merged area of that town municipality bears to the total discounted equalized assessment of all merged areas of that town municipality.

How levies
apportioned
R.S.O. 1980,
c. 359

(3) The rates to be levied in each merged area of a town municipality shall be determined in accordance with subsection 7 (3) of the *Ontario Unconditional Grants Act*.

Idem

36.—(1) Despite section 35, the council of a town municipality may by by-law in any year, before the adoption of the estimates for that year, levy such rates as it may determine in each of the merged areas of that town municipality on the rateable commercial assessment and on the rateable residential and farm assessment in the merged area.

Interim levy

(2) A by-law for levying rates under subsection (1) shall be passed in the year that the rates are to be levied or may be passed in December of the preceding year if it provides that it does not come into force until a specified day in the following year.

When by-law
to be passed

(3) The rate that may be levied on any assessment under subsection (1) shall not exceed 50 per cent of the total of the rates that were levied or would have been levied on that assessment for all purposes in the preceding year.

Amount

(4) If the assessment roll for taxation in the current year has not been returned, the rate levied under subsection (1) may be levied on the assessment according to the assessment roll used for taxation purposes in the preceding year.

Idem

Deduction

(5) The amount of any levy under subsection (1) shall be deducted from the amount of the levies made under subsection 35 (2) of this Act and under Parts IV and VIII of the *Education Act*.

R.S.O. 1980,
c. 129

R.S.O. 1980,
c. 302 applies

(6) The provisions of the *Municipal Act* respecting the levying of rates and collection of taxes apply to the levying of rates and collection of taxes under this section.

Deeming
provision in
respect of
R.S.O. 1980,
c. 129

37.—(1) For the purposes of levying taxes under Parts IV and VIII of the *Education Act*, the merged areas shall be deemed to be municipalities, and the council of a town municipality shall be deemed to be the council of each merged area of that town municipality.

Regulations

(2) The Lieutenant Governor in Council may each year make regulations providing for the apportionment of the sums required by The Simcoe County Board of Education and the Simcoe County Roman Catholic Separate School Board with respect to any local municipality or merged area or parts thereof that are wholly or partly within their area of jurisdiction.

Reassessment

R.S.O. 1980,
c. 31

38. When a town municipality is reassessed under section 63 or section 70 of the *Assessment Act*,

(a) the merged areas of that town municipality cease to exist; and

(b) subsections 34 (1) and (2) and sections 35, 36 and 37 cease to apply to that town municipality.

County-wide
assessment
R.S.O. 1980,
c. 302

39. Sections 34 to 38 of this Act and sections 365, 366 and 368 of the *Municipal Act* cease to apply to the County and the local municipalities if the County has been subject to an assessment update under section 368b of the *Municipal Act*.

Rates,
subsequent
years

40. The Minister may by order provide that in the year or years and in the manner specified in the order, the council of a town municipality shall levy, on the real property and business assessment according to the last returned assessment roll in any specified merged area or in any other area specified in the order, rates of taxation for general purposes and rates and charges for special purposes that are different from the rates which would have been levied for such purposes but for this section.

Grants or
loans

41. The Minister may by order before the 1st day of January, 2000, on such conditions as the Minister considers appropriate, make grants or loans to the town municipalities, the

former municipalities and the County to achieve the purposes of this Act.

42.—(1) In this section,

Definitions

“urban service” means a service of a town municipality not being provided generally throughout that town municipality or not benefiting lands in that town municipality equally, and includes any liability incurred by a former municipality with respect to such service;

“urban service area” means the area or rateable property, including the business assessment thereon, designated in a by-law under clause (2) (c) or in an order under clause (4) (c).

(2) The council of a town municipality may, with the approval of the Municipal Board, by by-law,

By-laws
respecting
urban
services

- (a) identify an urban service;
- (b) define which costs of that town municipality are related to that urban service;
- (c) designate upon what area or rateable property, including business assessment thereon, of that town municipality the related costs should be raised;
- (d) levy a special rate on that area or rateable property, including the business assessment thereon, to raise the whole or part of the related costs; and
- (e) amend or dissolve an urban service area established under this section.

(3) The rates to be levied within each urban service area shall be determined in accordance with subsection 7 (3) of the *Ontario Unconditional Grants Act*.

Determina-
tion of
rates
R.S.O. 1980,
c. 359

(4) Before the 1st day of January, 1991, the Minister, upon the joint application of the councils of all former municipalities which will form part of a particular town municipality, may make an order to be effective no earlier than the 1st day of January, 1991, that,

Minister's
order

- (a) identifies an urban service;
- (b) defines which costs of that town municipality will relate to that urban service; and

- (c) designates upon what area or rateable property, including business assessment thereon, of the town municipality the related costs shall be raised.

Where
O.M.B.
approval not
required

(5) Where an order under subsection (4) creating an urban service area is in force and has not been amended under subsection (6), the council of a town municipality may pass a by-law under clause (2) (d) related to that urban service area without the approval of the Municipal Board.

Amendment
or repeal of
order

(6) The council of a town municipality may, with the approval of the Municipal Board, by by-law amend or repeal an order under subsection (4).

PART VII

MISCELLANEOUS

Committee of
referees

43.—(1) The Minister may, on or before the 1st day of September, 1990, appoint committees of referees to make adjustments of assets and liabilities arising from any amalgamation or dissolution under this Act.

Composition
of committee

(2) Each committee shall consist of one or more treasurers of the former municipalities directly affected by the adjustment of particular assets and liabilities and such other persons as the Minister may appoint.

Provisional
adjustments

(3) Before the 31st day of December, 1990, the committees shall make provisional adjustments of the known assets and liabilities and these adjustments shall become operative from the 1st day of January, 1991.

Final
adjustments

(4) Before the 30th day of June, 1991, the committees shall determine the final adjustments of the assets and liabilities as of the 31st day of December, 1990.

Copy of
decision to
parties
affected

(5) The committee of referees shall within thirty days of making the determination under subsection (4) forward its decision to the town municipalities and local boards directly affected by the adjustments.

Appeal to
board of
arbitrators

(6) Any town municipality or local board directly affected by a decision under subsection (4) may, within thirty days of receiving the decision under subsection (5), appeal the decision to a board of arbitrators established under subsection (7) which shall determine the matter after a hearing.

(7) The Minister shall appoint a board of arbitrators to make adjustments of assets and liabilities arising from any amalgamation or dissolution under this Act.

Appointment
by Minister

(8) Sections 3 to 5, 7, 9 to 11 and 13 to 15 of the *Arbitrations Act* and the Schedule to that Act apply to an arbitration under this section.

Certain
provision of
R.S.O. 1980,
c. 25 apply

(9) The decisions of the board of arbitrators are binding on the town municipalities and local boards and are not subject to appeal.

Decisions of
board
binding

(10) A decision of a committee of referees or of the board of arbitrators under this section may provide for any financial adjustments among the town municipalities and the local boards thereof which in its opinion are necessary as a result of the adjustments of assets and liabilities under this Act.

Financial
adjustments

44.—(1) Subject to subsection (2), for 1991 and each subsequent year the maximum contribution that the County may make to a town municipality under section 59 of the *Public Transportation and Highway Improvement Act* shall not exceed the total of the contributions the County made under that section in 1990 to former municipalities that now form part of that town municipality.

Contributions
under
R.S.O. 1980,
c. 421

(2) The maximum contribution the County may make to a town municipality in any year shall be increased by the percentage by which the total County levy for road purposes in that year on all municipalities forming part of the County for municipal purposes exceeds the total County levy for road purposes in 1990.

Increases

45.—(1) Subject to subsection (2), section 58 of the *Public Transportation and Highway Improvement Act* does not apply to roads of a town municipality located in the Township of Innisfil, the Township of Tecumseth or the Township of West Gwillimbury.

R.S.O. 1980,
c. 421, s. 58
does not
apply

(2) The Lieutenant Governor in Council may, upon the recommendation of the Minister, make regulations providing that section 58 of the *Public Transportation and Highway Improvement Act* applies to any road located in the Township of Innisfil, the Township of Tecumseth and the Township of West Gwillimbury.

Regulations

46.—(1) No former municipality shall, without the approval of the Minister, dispose of any real property located in,

Limitation on
disposal of
real property

- (a) the portion of the Township of West Gwillimbury to be amalgamated with the Town of Innisfil under clause 2 (1) (a);
- (b) the portion of the Township of Tecumseth to be amalgamated with the Town of Innisfil under clause 2 (1) (a); or
- (c) the portion of the Township of Tecumseth to be amalgamated with the Town of Bradford West Gwillimbury under clause 2 (1) (b).

Retroactive
application

(2) Any transaction made by a former municipality after the 6th day of June, 1990 that purports to dispose of real property without obtaining the approval of the Minister is void.

Conservation
authorities
R.S.O. 1980,
c. 85

47.—(1) Despite this Act and section 2 of the *Conservation Authorities Act*, on and after the 1st day of January, 1991, every person who was a representative of a former municipality on a conservation authority on the 31st day of December, 1990, shall continue to hold that office until the town municipality for which that member is deemed to be a representative under subsection (2) makes its new appointments under section 2 of the *Conservation Authorities Act* following the 1991 regular election.

Idem

(2) A representative of a former municipality whose term is continued under subsection (1) shall,

- (a) in the case of a representative appointed by the Village of Cookstown or the Township of Innisfil, be deemed to be a representative of the Town of Innisfil;
- (b) in the case of a representative appointed by the Town of Bradford or the Township of West Gwillimbury, be deemed to be a representative of the Town of Bradford West Gwillimbury; and
- (c) in the case of a representative appointed by the Town of Alliston, the Village of Beeton, the Township of Tecumseth or the Village of Tottenham, be deemed to be a representative of the Amalgamated Town.

PART VIII

TRANSITIONAL PROVISIONS

48. In this Part, “pre-election period” means the period from the 1st day of January, 1991 until the 30th day of November, 1991, inclusive.

Definition

49.—(1) Despite section 32 of the *Municipal Act*, during the pre-election period, the council of each town municipality shall consist of the members described under this section.

Transition.
composition
of council
R.S.O. 1980,
c. 302

(2) The council of the Town of Innisfil shall be composed of,

Town of
Innisfil

- (a) a mayor, who shall be the person who was the reeve of the Township of Innisfil on the 31st day of December, 1990;
- (b) a reeve, who shall be the person who was the deputy reeve of the Township of Innisfil on the 31st day of December, 1990;
- (c) a deputy reeve, who shall be the person who was the reeve of the Village of Cookstown on the 31st day of December, 1990;
- (d) five members who shall be the persons who were the members of the council, except the reeve and deputy reeve, of the Township of Innisfil on the 31st day of December, 1990; and
- (e) four members who shall be the persons who were the members of council, except the reeve, of the Village of Cookstown on the 31st day of December, 1990.

(3) The council of the Town of Bradford West Gwillimbury shall be composed of,

Town of
Bradford
West
Gwillimbury

- (a) a mayor, who shall be the person who was the mayor of the Town of Bradford on the 31st day of December, 1990;
- (b) a deputy mayor, who shall be the person who was the reeve of the Township of West Gwillimbury on the 31st day of December, 1990;

- (c) a reeve, who shall be the person who was the reeve of the Town of Bradford on the 31st day of December, 1990;
- (d) two deputy reeves, who shall be the persons who were the deputy reeve of the Town of Bradford and the deputy reeve of the Township of West Gwillimbury on the 31st day of December, 1990;
- (e) four members who shall be the persons who were the members of the council, except the mayor, reeve and deputy reeve, of the Town of Bradford on the 31st day of December, 1990; and
- (f) three members who shall be the persons who were the members of the council, except the reeve and deputy reeve, of the Township of West Gwillimbury on the 31st day of December, 1990.

Amalgamated
Town

(4) The council of the Amalgamated Town shall be composed of,

- (a) a mayor, who shall be the person who was the mayor of the Town of Alliston on the 31st day of December, 1990;
- (b) a deputy mayor, who shall be the person who was the reeve of the Township of Tecumseth on the 31st day of December, 1990;
- (c) a reeve, who shall be the person who was the reeve of the Village of Tottenham on the 31st day of December, 1990;
- (d) a deputy reeve, who shall be the person who was the reeve of the Village of Beeton on the 31st day of December, 1990;
- (e) a county councillor, who shall be the person who was the reeve of the Town of Alliston on the 31st day of December, 1990;
- (f) five members who shall be the persons who were the members of council, except the mayor and the reeve, of the Town of Alliston on the 31st day of December, 1990;
- (g) four members who shall be the persons who were the members of council, except the reeve, of the

Township of Tecumseth on the 31st day of December, 1990;

- (h) four members who shall be the persons who were the members of council, except the reeve, of the Village of Tottenham on the 31st day of December, 1990; and
- (i) four members who shall be the persons who were the members of council, except the reeve, of the Village of Beeton on the 31st day of December, 1990.

(5) The first meeting of a council established under this section shall be held not later than the 9th day of January, 1991. First meeting

(6) A member of a council established under this section has only one vote. One vote

(7) Despite sections 37 and 38 of the *Municipal Act*, a member of a council established under this section shall not be disqualified from holding that office because of any loss of qualification resulting solely from the amalgamations under section 2. Disqualifications

50.—(1) During the pre-election period, the five wards of the Township of Innisfil shall continue as the five wards of the Town of Innisfil except that, Transition,
Township of
Innisfil

- (a) the area of the Village of Cookstown, the portion of the Township of Tecumseth described firstly in Schedule A and the portion of the Township of West Gwillimbury described in Schedule E are added to Ward 1; and
- (b) the portion of the Township of West Gwillimbury described in Schedule F is added to Ward 2.

(2) The five members of the council of the Town of Innisfil described in clause 49 (2) (d) shall represent the same wards, as modified under subsection (1), as they represented in the Township of Innisfil. Idem

(3) In addition to the Ward 1 representative under subsection (2), the four members of the council of the Village of Cookstown described in clause 49 (2) (e) shall represent Ward 1 as modified under subsection (1). Idem

51.—(1) During the pre-election period,

Transition,
County
Council

- (a) the Town of Innisfil shall be represented on County Council by its mayor, reeve and deputy reeve;
- (b) the Town of Bradford West Gwillimbury shall be represented on County Council by its deputy mayor and reeve; and
- (c) the Amalgamated Town shall be represented on County Council by its deputy mayor, reeve, deputy reeve and county councillor.

Voting

(2) The members of County Council under subsection (1) shall have a total of seventeen votes of which,

- (a) the mayor of the Town of Innisfil and the reeve of the Town of Bradford West Gwillimbury shall each have three votes;
- (b) the reeve of the Town of Innisfil, the deputy mayor of the Town of Bradford West Gwillimbury and the deputy mayor and the county councillor of the Amalgamated Town shall each have two votes; and
- (c) the deputy reeve of the Town of Innisfil and the reeve and deputy reeve of the Amalgamated Town shall each have one vote.

First meeting

(3) The first meeting of County Council in 1991 shall be held after each of the councils of the town municipalities has held its first meeting under subsection 49 (5) but, in any event, not later than the 22nd day of January, 1991.

Vacancies,
voting

(4) Sections 15 and 16 apply to the members of County Council during the pre-election period.

Transition,
public utility
commission
R.S.O. 1980,
c. 423

52.—(1) Despite section 41 of the *Public Utilities Act*, the hydro-electric commission of a town municipality shall, during the pre-election period, be composed of,

- (a) in the case of the commission of the Town of Innisfil, the members of the committee of council of the Village of Cookstown dissolved under subsection 17 (1);
- (b) in the case of the commission of the Town of Bradford West Gwillimbury, the members of the public utility commission of the Town of Bradford dissolved under subsection 17 (1) and the person who was the reeve of the Township of West Gwillimbury on the 31st day of December, 1990; and

(c) in the case of the commission of the Amalgamated Town,

(i) the members of the public utility commissions of the Town of Alliston and the Village of Tottenham dissolved under subsection 17 (1),

(ii) the person who was the reeve of the Village of Beeton on the 31st day of December, 1990, and

(iii) the person who was the reeve of the Township of Tecumseth on the 31st day of December, 1990.

(2) Sections 19 and 20 apply to the members of a commission during the pre-election period. Term.
delegation

53.—(1) During the pre-election period, the boards established under subsection 27 (1) shall be composed of the members described in this section. Transition.
police
services

(2) The board of the Town of Innisfil shall be composed of, Town of
Innisfil

(a) the members of the Board of Commissioners of Police of the Township of Innisfil dissolved under section 26;

(b) the person who was the reeve of the Village of Cookstown on the 31st day of December, 1990; and

(c) one other person appointed by the Lieutenant Governor in Council.

(3) The board of the Town of Bradford West Gwillimbury shall be composed of, Town of
Bradford
West
Gwillimbury

(a) the person who was the mayor of the Town of Bradford on the 31st day of December, 1990;

(b) the person who was the reeve of the Township of West Gwillimbury on the 31st day of December, 1990; and

(c) three other persons appointed by the Lieutenant Governor in Council.

(4) The board of the Amalgamated Town shall be composed of, Amalgamated
Town

- (a) the person who was the mayor of the Town of Alliston on the 31st day of December, 1990;
- (b) a person who is a qualified elector of the Amalgamated Town, appointed by the council of the Amalgamated Town at its first meeting in 1991; and
- (c) three other persons appointed by the Lieutenant Governor in Council.

Transition,
libraries
1984, c. 57

54. Despite section 9 of the *Public Libraries Act, 1984* during the pre-election period, two of the members appointed by the council of the Town of Innisfil to the public library board for the Town of Innisfil established under subsection 32 (2), shall be qualified electors of the Town of Innisfil in the area of the Village of Cookstown.

PART IX

CONSEQUENTIAL AMENDMENTS AND COMMENCEMENT

R.S.O. 1980,
c. 497

55. Paragraph 34 of section 1 of the *Territorial Division Act* is amended,

- (a) by repealing clause (b) and substituting the following:
 - (b) the Town of the Amalgamated Municipalities of Alliston, Beeton, Tecumseth and Tottenham;
 - (ba) the towns of Bradford West Gwillimbury, Collingwood, Innisfil, Midland, Penetanguishene, Stayner, Wasaga Beach;
- (b) by striking out “Beeton” and “Cookstown” in the first line of clause (c) and “Tottenham” in the second line of clause (c); and
- (c) by striking out “Innisfil” in the first column of clause (d) and “Tecumseth” and “West Gwillimbury” in the second column of clause (d).

Commence-
ment

56.—(1) This Act, except sections 5 and 55, comes into force on the day it receives Royal Assent.

Idem

(2) Section 5 comes into force on the 1st day of December, 1991.

(3) Section 55 comes into force on the 1st day of January, ^{Idem} 1991.

57. The short title of this Act is the *County of Simcoe Act*, ^{Short title} 1990.

SCHEDULE A

The land described as follows:

Firstly: Part of the Township of Tecumseth, commencing at the intersection of the easterly boundary of the Township of Tecumseth and the easterly prolongation of the southerly limit of the northerly half of Lot 24 in Concession XIII;

Thence westerly to and along the southerly limit of the northerly half of lots 24, 23 and 22 in Concession XIII to the westerly limit of Lot 22;

Thence northerly along the westerly limit of Lot 22 in concessions XIII, XIV and XV and the northerly prolongation thereof to the northerly boundary of the Township of Tecumseth;

Thence easterly along the northerly boundary of the Township of Tecumseth to the westerly boundary of the Village of Cookstown;

Thence southerly and easterly along the southwesterly boundaries of the Village of Cookstown to the easterly boundary of the Township of Tecumseth;

Thence southerly along the easterly boundary of the Township of Tecumseth to the point of commencement;

Secondly: Part of the Township of West Gwillimbury, commencing at the intersection of the westerly boundary of the Township of West Gwillimbury and the westerly prolongation of the southerly limit of the northerly half of Lot 1 in Concession XIII;

Thence easterly to and along the southerly limit of the northerly half of Concession XIII to the southeasterly angle of the northerly half of Lot 23;

Thence easterly along the easterly prolongation of the southerly limit of the northerly half of Lot 23 in Concession XIII to the middle of Cook's Bay of Lake Simcoe being a point on a line measured north 15° east from the middle of the mouth of the Holland River in accordance with subsection 12 (1) of the *Territorial Division Act*;

Thence north 15° east along the middle of Cook's Bay 2,900 metres to intersect the easterly prolongation of the northerly boundary of the Township of West Gwillimbury;

Thence westerly to and along the northerly boundary of the Township of West Gwillimbury to the easterly boundary of the Village of Cookstown;

Thence southwesterly along the southeasterly boundaries of the Village of Cookstown to the westerly boundary of the Township of West Gwillimbury;

Thence southerly along the westerly boundary of the Township of West Gwillimbury to the point of commencement.

SCHEDULE B

The land described as follows:

Part of the Township of West Gwillimbury, commencing at the south-westerly angle of the Township of West Gwillimbury;

Thence northerly along the westerly boundary of the Township of West Gwillimbury to intersect the westerly prolongation of the northerly limit of the southerly half of Lot 1 in Concession XIII;

Thence easterly to and along the northerly limit of the southerly half of Concession XIII to the southeasterly angle of the northerly half of Lot 23 in Concession XIII;

Thence easterly along the easterly prolongation of the southerly limit of the northerly half of Lot 23 in Concession XIII to the middle of Cook's Bay of Lake Simcoe being a point on a line measured north 15° east from the middle of the mouth of the Holland River in accordance with subsection 12 (1) of the *Territorial Division Act*;

Thence south 15° west 750 metres to the middle of the mouth of the Holland River;

Thence southwesterly along the middle of the main channel of the Holland River to the westerly boundary of the Township of West Gwillimbury;

Thence northerly along the westerly boundary of the Township of West Gwillimbury to the point of commencement;

Excluding the lands lying within the Town of Bradford.

SCHEDULE C

The land described as follows:

Part of the Township of Tecumseth, commencing at the southeasterly angle of the Township of Tecumseth;

Thence westerly along the southerly boundary of the Township of Tecumseth to intersect the southerly prolongation of the westerly limit of Lot 23 in Concession I;

Thence northerly to and along the westerly limit of Lot 23 in concessions I, II, III, IV, V, VI, VII, VIII, IX, X, XI, XII and XIII to the northerly limit of the southerly half of Lot 23 in Concession XIII;

Thence easterly along the northerly limit of the southerly half of lots 23 and 24 in Concession XIII and the easterly prolongation thereof to the easterly boundary of the Township of Tecumseth;

Thence southerly along the easterly boundary of the Township of Tecumseth to the point of commencement.

SCHEDULE D

The land described as follows:

Part of the Township of Tecumseth commencing at the southwesterly angle of the Township of Tecumseth;

Thence easterly along the southerly boundary of the Township of Tecumseth to intersect the southerly prolongation of the easterly limit of Lot 22 in Concession I;

Thence northerly to and along the easterly limit of Lot 22 in concessions I, II, III, IV, V, VI, VII, VIII, IX, X, XI, XII and XIII to the northerly limit of the southerly half of Lot 22 in Concession XIII;

Thence westerly along the northerly limit of the southerly half of Lot 22 to the westerly limit of the northerly half of Lot 22;

Thence northerly along the westerly limit of Lot 22 in concessions XIII, XIV and XV and the northerly prolongation thereof to the northerly boundary of the Township of Tecumseth;

Thence westerly along the northerly boundary of the said Township to the easterly boundary of the Town of Alliston;

Thence southwesterly along the southeasterly boundaries of the said Town to the westerly boundary of the Township of Tecumseth;

Thence southerly along the westerly boundary of the said Township to the point of commencement;

Excluding the lands lying within the Village of Beeton and the Village of Tottenham.

SCHEDULE E

The land described as follows:

Commencing at the intersection of the northerly boundary of the Township of West Gwillimbury and the westerly limit of Lot 20 in Concession XV;

Thence southerly along the westerly limit of Lot 20 in concessions XV, XIV and XIII to the southerly limit of the northerly half of Lot 20 in Concession XIII;

Thence westerly along the southerly limit of the northerly half of Concession XIII to the westerly boundary of the Township of West Gwillimbury;

Thence northerly along the westerly boundary of the said Township to the southerly boundary of the Village of Cookstown;

Thence northeasterly along the southerly and easterly boundaries of the said Village to the northerly boundary of the Township of West Gwillimbury;

Thence easterly along the northerly boundary of the said Township to the point of commencement.

SCHEDULE F

The land described as follows:

Commencing at the intersection of the northerly boundary of the Township of West Gwillimbury and the westerly limit of Lot 20 in Concession XV;

Thence southerly along the westerly limit of Lot 20 in concessions XV, XIV and XIII to the southerly limit of the northerly half of Lot 20 in Concession XIII;

Thence easterly along the southerly limit of the northerly half of lots 20, 21, 22 and 23 to the southeasterly angle of the northerly half of Lot 23;

Thence easterly along the easterly prolongation of the southerly limit of the northerly half of Lot 23 in Concession XIII to the easterly boundary of the Township of West Gwillimbury;

Thence northerly along the easterly boundary of the said Township of the northeasterly angle of the said Township;

Thence westerly along the northerly boundary of the said Township to the point of commencement.

Bill 178

An Act respecting the regulation of Health Professions and other matters concerning Health Professions

The Hon. E. Caplan
Minister of Health



1st Reading June 6th, 1990

2nd Reading

3rd Reading

Royal Assent

EXPLANATORY NOTE

The Bill provides for the regulation of health professions and the delivery of health care services.

The health professions to be regulated are set out in Schedule 1 together with the health profession Acts specific to each profession. Each profession will have a College which will govern the profession in accordance with its health profession Act and the Health Professions Procedural Code set out in Schedule 2. The Health Professions Board is continued and serves as a body to hear appeals and review decisions made by committees of the Colleges. The Bill provides for an Advisory Council to advise the Minister on matters relating to the regulation of health professions.

The delivery of health care services is regulated by a scheme that controls certain acts when they are done in the course of providing health care services. The controlled acts are set out in subsection 26 (2). In the course of providing health care services only members of health professions that are authorized to perform these controlled acts may perform them. Some exceptions to this are set out and further exceptions can be prescribed by regulation. The controlled acts that each health profession is authorized to perform will be set out in its health profession Act.

Bill 178

1990

**An Act respecting the regulation of
Health Professions and other matters
concerning Health Professions**

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HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) In this Act,

Definitions

“Advisory Council” means the Health Professions Regulatory Advisory Council;

“Board” means the Health Professions Board;

“Code” means the Health Professions Procedural Code in Schedule 2;

“College” means the College of a health profession or group of health professions established or continued under a health profession Act;

“Council” means the Council of a College;

R.S.O. 1980,
c. 196

“drug” means drug as defined in clause 113 (1) (d) of the *Drug and Pharmacies Regulation Act*;

“health profession” means a health profession set out in Schedule 1;

“health profession Act” means an Act named in Schedule 1;

“member” means a member of a College;

“Minister” means the Minister of Health;

“prescribed” means prescribed in the regulations;

“regulations” means the regulations made under this Act or a health profession Act.

Hearing not
required
unless
referred to
R.S.O. 1980,
c. 484

(2) Nothing in this Act shall be construed to require a hearing to be held within the meaning of the *Statutory Powers Procedure Act* unless the holding of a hearing is specifically referred to.

Adminis-
tration of
Act

2. The Minister is responsible for the administration of this Act.

Duty of
Minister

3. It is the duty of the Minister to ensure that the health professions are regulated and co-ordinated in the public interest, that appropriate standards of practice are developed and maintained and that individuals have access to services provided by the health professions of their choice.

Code applies
to each
profession

4. The Code is deemed to be part of each health profession Act.

Powers of
Minister

5.—(1) The Minister may,

- (a) inquire into or require a Council to inquire into the state of practice of a health profession in a locality or institution;
- (b) review a Council's activities and require the Council to provide reports and information;
- (c) require a Council to make, amend or revoke a regulation;
- (d) require a Council to do anything that, in the opinion of the Minister, is necessary or advisable to carry out the intent of this Act, the health profession Acts and the *Drug and Pharmacies Regulation Act*.

R.S.O. 1980,
c. 196

(2) If the Minister has required a Council to do anything under subsection (1), the Council shall, within the time and in the manner specified by the Minister, comply with the requirement and submit a report.

Council to
comply with
Minister's
request

(3) If the Minister requires a Council to make, amend or revoke a regulation under clause (1) (c) and the Council does not do so within sixty days, the Lieutenant Governor in Council may make, amend or revoke the regulation.

Regulations

(4) Subsection (3) does not give the Lieutenant Governor in Council authority to do anything that the Council does not have authority to do.

Idem

(5) The Minister may pay a College for expenses incurred in complying with a requirement under subsection (1).

Minister may
pay College's
expenses

6.—(1) Each College, the Advisory Council and the Board shall report annually to the Minister on its activities and financial affairs.

Annual
report

(2) The Minister shall submit the reports of the Colleges, the Advisory Council and the Board to the Lieutenant Governor in Council and shall then lay the reports before the Assembly if it is in session or, if not, at the next session.

Report
before
Legislature

ADVISORY COUNCIL

7.—(1) The Health Professions Regulatory Advisory Council is established.

Advisory
Council

(2) The Advisory Council shall be composed of at least five and no more than seven persons who shall be appointed by

Composition

the Lieutenant Governor in Council on the Minister's recommendation.

Chair and
vice-chair

(3) The Lieutenant Governor in Council shall designate one member of the Advisory Council to be the chair and one to be the vice-chair.

Qualification
of members

8. A person may not be appointed as a member of the Advisory Council if the person,

R.S.O. 1980,
c. 106

(a) is employed in the public service of Ontario or by a Crown agency as defined in the *Crown Agency Act*; or

(b) is or has been a member of a Council or College.

Terms of
members

9.—(1) Members of the Advisory Council shall be appointed for terms of two years.

Replacement
members

(2) A person appointed to replace a member of the Advisory Council before the member's term expires shall hold office for the remainder of the term.

Reappoint-
ments

(3) Members of the Advisory Council are eligible for reappointment.

Initial
members

(4) The initial members of the Advisory Council may be appointed for terms of one, two or three years.

Remuner-
ation and
expenses

10. The members of the Advisory Council shall be paid the remuneration and expenses the Lieutenant Governor in Council determines.

Duties of
Advisory
Council

11. The Advisory Council's duties are to advise the Minister on,

(a) whether unregulated professions should be regulated;

(b) whether regulated professions should no longer be regulated;

(c) suggested amendments to this Act, a health profession Act or the regulations and suggested regulations;

(d) matters concerning the quality assurance programs undertaken by Colleges; and

- (e) any matter the Minister refers to the Advisory Council relating to the regulation of the health professions.

12. The Minister shall refer to the Advisory Council any issue within the matters described in clauses 11 (a) to (d) that a Council or person requests the Minister to refer to the Advisory Council unless, in the Minister's opinion, the request is not made in good faith or is frivolous or vexatious.

Referrals to the Advisory Council

13.—(1) If the Minister refers a suggested amendment to this Act, a health profession Act or the regulations or a suggested regulation to the Advisory Council, the Minister shall give notice of the suggestion to the Council of every College within ten days after referring it.

Notice of amendments to Councils

(2) A Council may make written submissions to the Advisory Council with respect to a suggestion within forty-five days after receiving the Minister's notice of the suggestion or within any longer period the Advisory Council may specify.

Submissions to Advisory Council

14.—(1) The Advisory Council shall sit in Ontario where and when the chair designates.

Procedure

(2) The Advisory Council shall conduct its proceedings in the manner it considers appropriate.

Idem

15.—(1) The Advisory Council may employ, under the *Public Service Act*, persons it considers necessary to carry out its duties.

Employees
R.S.O. 1980, c. 418

(2) The Advisory Council may engage experts or professional advisors to assist it.

Experts

16.—(1) The Advisory Council shall appoint one of its employees as the Secretary.

Secretary

(2) The Secretary's duties are,

Duties

- (a) to keep a record of matters that the Minister has referred to the Advisory Council;
- (b) to have the custody and care of the records and documents of the Advisory Council;
- (c) to give written notice of suggested amendments to this Act, a health profession Act or the regulations and suggested regulations that have been referred to the Advisory Council to persons who have filed, with the Secretary, a request to be notified; and

- (d) to carry out the functions and duties assigned by the Minister or the Advisory Council.

HEALTH PROFESSIONS BOARD

Health
Professions
Board

17.—(1) The Health Disciplines Board is continued as the Health Professions Board.

Composition

(2) The Board shall be composed of at least twelve and no more than twenty members who shall be appointed by the Lieutenant Governor in Council on the Minister's recommendation.

Chair and
vice-chair

(3) The Lieutenant Governor in Council shall designate one member of the Board to be the chair and one to be the vice-chair.

Additional
vice-chairs

(4) The chair may from time to time designate additional members to be vice-chairs.

Qualifications
of members

18. A person may not be appointed as a member of the Board if the person,

R.S.O. 1980,
c. 106

- (a) is employed in the public service of Ontario or by a Crown agency as defined in the *Crown Agency Act*; or

- (b) is or has been a member of a Council or College.

Terms of
members

19.—(1) Members of the Board shall be appointed for terms not exceeding three years.

Replacement
members

(2) A person appointed to replace a member of the Board before the member's term expires shall hold office for the remainder of the term.

Reappoint-
ments

(3) Members of the Board are eligible for reappointment.

Remuner-
ation and
expenses

20. The members of the Board shall be paid the remuneration and expenses the Lieutenant Governor in Council determines.

Seal

21. The Board may adopt a seal.

Duties

22. The Board's duties are to conduct the hearings and reviews and to perform the duties that are assigned to it under this or any other Act.

Employees
R.S.O. 1980,
c. 418

23.—(1) The Board may employ, under the *Public Service Act*, persons it considers necessary to carry out its duties.

(2) The Board may engage persons who are not employed in the public service of Ontario to carry out investigations under subsection 27 (3) of the Code. Investigators

(3) The Board may engage persons who are not employed in the public service of Ontario to provide expert or professional advice in connection with a registration hearing, complaint review or registration review. Experts

(4) A person engaged under subsection (3) shall be independent of the parties and, in the case of a complaint review, of the Complaints Committee. Independence of experts

(5) The nature of any advice, including legal advice, given by a person engaged under subsection (3) shall be made known to the parties and, in the case of a complaint review, the Complaints Committee and they may make submissions with respect to the advice. Advice disclosed

24.—(1) A proceeding before the Board shall be considered and determined by a panel of the Board selected by the chair. Panels

(2) A panel shall be composed of at least three members, one of whom shall be the chair or a vice-chair of the Board. Composition

(3) A panel shall have an uneven number of members. Idem

(4) Three members of a panel constitute a quorum. Quorum

(5) If a member of a panel is unable to continue to serve on the panel after a proceeding before the panel has commenced, the panel may continue the proceeding despite subsection (4). Exception

25.—(1) If the Board is satisfied that no person will be unduly prejudiced, it may, on reasonable grounds, extend any time limit with respect to, Extension of time limits

- (a) the obligation, under subsection 27 (1) of the Code, of a panel of a Complaints Committee to dispose of a complaint against a member;
- (b) a Registrar's obligation to give to the Board, under subsection 31 (1) of the Code, a record of an investigation of a complaint against a member and the documents and things upon which a decision was made with respect to the complaint;
- (c) a requirement, under subsection 20 (1) of the Code, for a review or hearing by the Board; or

- (d) a request, under subsection 28 (2) of the Code, for a review by the Board.

Limitation
for complaint
reviews

- (2) The Board shall not extend the time limit set out in subsection 28 (3) of the Code for more than sixty days.

PROHIBITIONS

Controlled
acts restricted

26.—(1) No person shall perform a controlled act set out in subsection (2) in the course of providing health care services to an individual unless,

- (a) the person is a member authorized by a health profession Act to perform the controlled act; or
- (b) the performance of the controlled act has been delegated under section 27 to the person by a member described in clause (a).

Controlled
acts

(2) A “controlled act” is any one of the following done with respect to an individual:

1. Communicating to the individual or his or her personal representative a conclusion identifying a disease, disorder or dysfunction as the cause of symptoms of the individual in circumstances in which it is reasonably foreseeable that the individual or his or her personal representative will rely on the conclusion.
2. Performing a procedure on tissue below the dermis, below the surface of a mucous membrane, in or below the surface of the cornea, or in or below the surfaces of the teeth, including the scaling of teeth.
3. Setting or casting a fracture of a bone or a dislocation of a joint.
4. Moving the joints of the spine beyond the individual’s usual physiological range of motion using a fast, low amplitude thrust.
5. Administering a substance by injection or inhalation.
6. Putting an instrument, hand or finger,
 - i. beyond the external ear canal,
 - ii. beyond the opening of the nostrils,

- iii. beyond the larynx,
 - iv. beyond the urethra,
 - v. beyond the labia majora,
 - vi. beyond the anal verge, or
 - vii. into an artificial opening into the body.
- 7. Applying or ordering the application of a prescribed form of energy.
 - 8. Prescribing, dispensing, selling or compounding a drug, or supervising the part of a pharmacy where drugs are kept.
 - 9. Prescribing or dispensing, for vision or eye problems, subnormal vision devices, contact lenses or eye glasses other than simple magnifiers.
 - 10. Prescribing a hearing aid for a hearing impaired person.
 - 11. Fitting or dispensing a dental prosthesis, orthodontic appliance or a device used inside the mouth to protect teeth from abnormal functioning.
 - 12. Managing labour or conducting the delivery of a baby.
 - 13. Allergy challenge testing of a kind in which a positive result of the test is a significant allergic response.

(3) An act by a person is not a contravention of subsection (1) if the person is exempted by the regulations or if the act is done in the course of an activity exempted by the regulations. Exemptions

27. A member may delegate a controlled act if the delegation is in accordance with the health profession Act, and the regulations under it, governing the profession of, Delegation of controlled act

- (a) the member delegating the act; and
- (b) the person receiving the delegation if the person is the member of a health profession.

28. An act by a person is not a contravention of subsection 26 (1) if it is done in the course of, Exceptions

- (a) rendering first aid or temporary assistance in an emergency;
- (b) fulfilling the requirements to become a member of a health profession and the act is within the scope of practice of the profession and is done under the supervision or direction of a member of the profession;
- (c) treating a person by prayer or spiritual means in accordance with the tenets of the religion of the person giving the treatment; or
- (d) treating a member of the person's household and the act is a controlled act set out in paragraph 1, 5 or 6 of subsection 26 (2).

Dispensing
hearing aids

29. No person shall dispense a hearing aid for a hearing impaired person except under a prescription by a member authorized by a health profession Act to prescribe a hearing aid for a hearing impaired person.

Restriction of
title "doctor"

30. Except as allowed in the regulations, no person shall use the title "doctor", a variation or abbreviation of it or its equivalent in another language in the course of providing or offering to provide, in Ontario, health care to individuals unless the person is a member of,

- (a) the College of Chiropractors of Ontario;
- (b) the College of Optometrists of Ontario;
- (c) the College of Physicians and Surgeons of Ontario;
- (d) the College of Psychologists of Ontario; or
- (e) the Royal College of Dental Surgeons of Ontario.

Holding out
as a College

31.—(1) No corporation shall falsely hold itself out as a body that regulates, under statutory authority, individuals who provide health care.

Members,
employees,
agents of
bodies
holding out
as Colleges

(2) No individual shall hold himself or herself out as a member, employee or agent of a body that the individual falsely represents as or knows is falsely represented as regulating, under statutory authority, individuals who provide health care.

MISCELLANEOUS

32.—(1) Every person employed or appointed for the purpose of the administration of this Act, a health profession Act or the *Drug and Pharmacies Regulation Act* and every member of a Council or committee of a Council shall preserve secrecy with respect to all information that comes to his or her knowledge in the course of his or her duties and shall not communicate any information to any other person except,

Confidentiality

R.S.O. 1980,
c. 196

- (a) to the extent that the information is available to the public under this Act, a health profession Act or the *Drug and Pharmacies Regulation Act*;
- (b) in connection with the administration of this Act, a health profession Act or the *Drug and Pharmacies Regulation Act*, including, without limiting the generality of this, in connection with anything relating to the registration of members, complaints about members, allegations of members' incapacity, incompetence or acts of professional misconduct or the governing of the profession;
- (c) to a body that governs a health profession in a jurisdiction other than Ontario;
- (d) as may be required for the enforcement of the *Health Insurance Act*;
- (e) to the counsel of the person who is required to preserve secrecy; or
- (f) with the written consent of the person to whom the information relates.

R.S.O. 1980,
c. 197

(2) No person or member described in subsection (1) shall be compelled to give testimony in a civil proceeding with regard to matters that come to his or her knowledge in the course of his or her duties.

Not
compellable

(3) No record of a proceeding under this Act, a health profession Act or the *Drug and Pharmacies Regulation Act*, no report prepared for or statement given at such a proceeding and no order or decision made in such a proceeding is admissible in a civil proceeding other than a proceeding under this Act, a health profession Act or the *Drug and Pharmacies Regulation Act*.

Evidence in
civil
proceedings
R.S.O. 1980,
c. 196

33. A person who is charged with an offence to which registration under a health profession Act would be a defence

Onus of
proof to
show
registration

shall be deemed, in the absence of evidence to the contrary, to have not been registered.

Immunity

34. No action or other proceeding for damages shall be instituted against the Advisory Council, the Board, a College, a Council, or a member, officer, employee, agent or appointee of the Advisory Council, the Board, a College, a Council, a committee of a Council or a panel of a committee of a Council for an act done in good faith in the performance or intended performance of a duty or in the exercise or the intended exercise of a power under this Act, a health profession Act, the *Drug and Pharmacies Regulation Act* or a regulation or a by-law under those Acts or for any neglect or default in the performance or exercise in good faith of the duty or power.

R.S.O. 1980,
c. 196

Service by
mail

35.—(1) A notice to be given under this Act or the regulations to a person may be given by mail.

Idem

(2) If a notice under this Act or the regulations is sent by prepaid first class mail addressed to the person at the person's last known address there is a rebuttable presumption that the notice was received by the person on the fifth day after the notice was mailed.

Offence

36.—(1) Every person who contravenes subsection 26 (1) is guilty of an offence and on conviction is liable to a fine of not more than \$25,000 or to imprisonment for a term of not more than six months, or to both.

Idem

(2) Every person who contravenes section 29, 30 or subsection 31 (2) is guilty of an offence and on conviction is liable to a fine of not more than \$5,000 for a first offence and not more than \$10,000 for a subsequent offence.

Idem

(3) Every person who contravenes subsection 31 (1) is guilty of an offence and on conviction is liable to a fine of not more than \$10,000 for a first offence and not more than \$20,000 for a subsequent offence.

Responsi-
bility of
corporations

37.—(1) If a person who is employed or supervised by a corporation contravenes subsection 26 (1), then, unless the person was acting outside the scope of his or her employment, the corporation is guilty of an offence and on conviction is liable to a fine of not more than \$25,000.

Responsi-
bility of
directors

(2) If a person who is employed or supervised by a corporation contravenes subsection 26 (1) with the approval, permission or acquiescence of a director of the corporation, the

director is guilty of an offence and on conviction is liable to a fine of not more than \$25,000.

38.—(1) Subject to the approval of the Lieutenant Governor in Council, the Minister may make regulations, Regulations

- (a) prescribing forms of energy for the purposes of paragraph 7 of subsection 26 (2);
- (b) exempting a person or activity from subsection 26 (1);
- (c) attaching conditions to an exemption in a regulation made under clause (b);
- (d) allowing the use of the title “doctor” or a variation or abbreviation of it.

(2) A regulation may be general or particular in its application. Scope of regulations

39. A reference in an Act or regulation to a person described in Column 1 of Table 1 shall be deemed to be a reference to a person described opposite in Column 2. References to health professionals

40. The following are repealed: Repeals

- | | |
|--|---------------------------------------|
| 1. <i>The Chiroprody Act.</i> | R.S.O. 1980,
c. 72 |
| 2. <i>The Dental Technicians Act.</i> | R.S.O. 1980,
c. 114 |
| 3. <i>The Denture Therapists Act.</i> | R.S.O. 1980,
c. 115 |
| 4. <i>The Ophthalmic Dispensers Act and section 49 of the Equality Rights Statute Law Amendment Act, 1986.</i> | R.S.O. 1980,
c. 364
1986, c. 64 |
| 5. <i>The Psychologists Registration Act and the Psychologists Registration Amendment Act, 1988.</i> | R.S.O. 1980,
c. 404
1988, c. 74 |
| 6. <i>The Radiological Technicians Act.</i> | R.S.O. 1980,
c. 430 |

41. The following regulations made under the *Drugless Practitioners Act* are revoked: Revocations
R.S.O. 1980,
c. 127

- 1. Regulation 248 (Chiropractors) of Revised Regulations of Ontario, 1980.
- 2. Regulation 249 (Classifications) of Revised Regulations of Ontario, 1980.

3. Regulation 251 (Masseurs) of Revised Regulations of Ontario, 1980.
4. Regulation 252 (Osteopaths) of Revised Regulations of Ontario, 1980.
5. Regulation 253 (Physiotherapists) of Revised Regulations of Ontario, 1980.

R.S.O. 1980,
c. 196
1983, c. 59
1986, c. 28,
1986, c. 34

42.—(1) The *Health Disciplines Act*, as amended by the *Health Disciplines Amendment Act, 1983*, section 15 of the *Prescription Drug Cost Regulation Act, 1986* and the *Health Disciplines Amendment Act, 1986*, except clauses 1 (1) (a) and (c), subsection 1 (3), section 2, clauses 113 (1) (a) to (m), (o), (p), (q) and (r), subsection 113 (2), section 114, clauses 119 (1) (d), (j) and 120 (1) (l), sections 135 to 161, subsection 162 (3) and sections 163 and 164, is repealed.

(2) The title to the Act is repealed and the following substituted:

DRUG AND PHARMACIES REGULATION ACT

(3) Clause 1 (1) (a) of the Act is repealed and the following substituted:

(a) “Board” means the Health Professions Board continued under the *Health Professions Regulation Act, 1990*.

(4) Subsection 113 (1) of the Act, as amended by the Statutes of Ontario, 1986, chapter 28 section 15, is further amended by renumbering clause (a) as clause (aa) and by adding the following clause:

(a) “Accreditation Committee” means the Accreditation Committee of the Council.

(5) Subsection 113 (1) is further amended by adding the following clauses:

(ca) “Discipline Committee” means the Discipline Committee of the Council.

.

(da) “Health Professions Procedural Code” means the Health Professions Procedural Code set out in Schedule 2 to the *Health Professions Regulation Act, 1990*.

1990, c. ...

(6) Clauses 113 (1) (f), (g), (j) and (q) of the Act are repealed and the following substituted:

(f) “intern” means a person who is registered as an intern under the *Pharmacy Act, 1990*; 1990, c. ...

(g) “licence” means a certificate of registration issued under the *Pharmacy Act, 1990*;

.

(j) “pharmacist” means a member;

.

(q) “registered pharmacy student” means a person registered as a student under the *Pharmacy Act, 1990*.

(7) Subclause 114 (1) (b)(iii) of the Act is repealed and the following substituted:

(iii) a live stock medicine within the meaning of the *Live Stock Medicines Act* by a person licensed under that Act. R.S.O. 1980, c. 248

(8) Subsection 114 (2) of the Act is amended by striking out “this Act” in the second line and substituting “a health profession Act as defined in the *Health Professions Regulation Act, 1990*”.

(9) Section 114 of the Act is amended by adding the following subsection:

(3) Nothing in this Part prevents any person from selling, to a member of the College of Chiropodists of Ontario, the College of Dental Hygienists of Ontario, the College of Midwives of Ontario or the College of Optometrists of Ontario, a drug that the member may use in the course of engaging in the practice of his or her profession. Idem

(10) Clause 119 (1) (d) of the Act is amended by striking out “licences and registrations” in the third line and substituting “certificates of accreditation”.

(11) Clause 119 (1) (j) of the Act is amended by striking out “and the practice of pharmacists” in the third line.

(12) Subsection 135 (4) of the Act is repealed and the following substituted:

Procedure

(4) The provisions of the Health Professions Procedural Code dealing with applications to the Registration Committee and hearings, reviews and appeals from decisions of panels of the Registration Committee apply, with necessary modifications and subject to subsection (5), to applications referred to the Accreditation Committee as though the Accreditation Committee were a panel.

Idem

(5) The following provisions of the Health Professions Procedural Code do not apply to applications referred to the Accreditation Committee:

1. Paragraphs 2, 3 and 5 of subsection 17 (2).
2. Paragraph 2 of subsection 21 (6).

(13) Subsections 136 (2) and (3) of the Act are repealed and the following substituted:

Procedure

(2) The provisions of the Health Professions Procedural Code dealing with allegations of a member's professional misconduct referred to the Discipline Committee and hearings, reviews and appeals from decisions of panels of the Discipline Committee apply, with necessary modifications and subject to subsection (3), to allegations referred to the Discipline Committee under subsection (1).

Idem

(3) Subsection (3a) applies, instead of subsections 49 (1) and (2) of the Health Professions Procedural Code, to allegations referred to the Discipline Committee under subsection (1).

Orders

(3a) If a panel of the Discipline Committee finds a person who has been issued a certificate of accreditation in respect of a pharmacy has established or operated the pharmacy in contravention of this Act or the regulations, it may make an order doing any one or more of the following:

1. Directing the Registrar to revoke the person's certificate.
2. Directing the Registrar to suspend the person's certificate for a specified period of time.
3. Requiring the person to pay a fine of not more than \$25,000 to the Treasurer of Ontario.

(14) Section 139 of the Act is amended by striking out "as a pharmacist" in the first line.

(15) Subsection 152 (2) of the Act is amended by striking out “six” in the second line and substituting “two”.

(16) Section 161 of the Act is amended by striking out “licence or” in the first line and in the third line.

43.—(1) Clause 2 (b) of *The Ontario Dietetics Association Act, 1958* is repealed. 1958, c. 147

(2) Section 16 of the Act is repealed.

44. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor. Commence-
ment

45. The short title of this Act is the *Health Professions Regulation Act, 1990*. Short title

TABLE 1

Column 1	Column 2
1. person registered as a chiropodist under the <i>Chiropody Act</i>	member of the College of Chiropodists of Ontario
2. person registered as a dental technician under the <i>Dental Technicians Act</i>	member of the College of Dental Technologists of Ontario
3. person licensed as a denture therapist under the <i>Denture Therapists Act</i>	member of the College of Denturists of Ontario
4. person registered as a chiropractor under the <i>Drugless Practitioners Act</i>	member of the College of Chiropractors of Ontario
5. person registered as a masseur under the <i>Drugless Practitioners Act</i>	member of the College of Massage Therapists of Ontario
6. person registered as an osteopath under the <i>Drugless Practitioners Act</i>	member of the College of Physicians and Surgeons of Ontario classed as an osteopath
7. person registered as a physiotherapist under the <i>Drugless Practitioners Act</i>	member of the College of Physiotherapists of Ontario
8. person registered as a dental hygienist under Part II of the <i>Health Disciplines Act</i>	member of the College of Dental Hygienists of Ontario
9. person licensed under Part II of the <i>Health Disciplines Act</i>	member of the Royal College of Dental Surgeons of Ontario
10. person licensed under Part III of the <i>Health Disciplines Act</i>	member of the College of Physicians and Surgeons of Ontario
11. person who is the holder of a certificate issued under Part IV of the <i>Health Disciplines Act</i>	member of the College of Nurses of Ontario
12. person licensed under Part V of the <i>Health Disciplines Act</i>	member of the College of Optometrists of Ontario
13. person licensed under Part VI of the <i>Health Disciplines Act</i>	member of the Ontario College of Pharmacists
14. person registered under the <i>Ophthalmic Dispensers Act</i>	member of the College of Opticians of Ontario

- | | |
|--|---|
| 15. person registered under the
<i>Psychologists Registration Act</i> | member of the College of Psychologists of Ontario |
| 16. person registered under the
<i>Radiological Technicians Act</i> | member of the College of Medical Radiation Technologists of Ontario |

SCHEDULE 1

SELF GOVERNING HEALTH PROFESSIONS

Health Profession Acts

Audiology and Speech-Language Pathology Act, 1990
 Chiropody Act, 1990
 Chiropractic Act, 1990
 Dental Hygiene Act, 1990
 Dental Technology Act, 1990
 Dentistry Act, 1990
 Denturism Act, 1990
 Dietetics Act, 1990
 Massage Therapy Act, 1990
 Medical Laboratory Technology Act, 1990
 Medical Radiation Technology Act, 1990
 Medicine Act, 1990
 Midwifery Act, 1990
 Nursing Act, 1990
 Occupational Therapy Act, 1990
 Opticianry Act, 1990
 Optometry Act, 1990
 Pharmacy Act, 1990
 Physiotherapy Act, 1990
 Psychology Act, 1990
 Respiratory Therapy Act, 1990

Health Profession

Audiology and Speech-Language Pathology
 Chiropody
 Chiropractic
 Dental Hygiene
 Dental Technology
 Dentistry
 Denturism
 Dietetics
 Massage Therapy
 Medical Laboratory Technology
 Medical Radiation Technology
 Medicine
 Midwifery
 Nursing
 Occupational Therapy
 Opticianry
 Optometry
 Pharmacy
 Physiotherapy
 Psychology
 Respiratory Therapy

SCHEDULE 2

Section

HEALTH PROFESSIONS PROCEDURAL CODE

1. Definitions

COLLEGE

2. College is body corporate
3. Objects of College
4. Council
5. Terms
6. Meetings
7. Remuneration and expenses
8. Employees

Section

9. Committees
10. Annual reports
11. Executive Committee's exercise of Council's powers
12. Members
13. Continuing jurisdiction

REGISTRATION

14. Registration
15. Disclosure of application file
16. Panels
17. Consideration by panel

Section

- 18. Application for variation
- 19. Notice of orders
- 20. Appeal to Board
- 21. Registration hearings or reviews
- 22. Register of members
- 23. Revocation for non-payment of fees

COMPLAINTS

- 24. Panel for investigation of complaints
- 25. Consideration by panel
- 26. Notice of decision
- 27. Timely disposal of complaint
- 28. Review by Board of Complaints Committee decision
- 29. When Board shall not review
- 30. Personal representative may act as complainant
- 31. Record of decision to be reviewed
- 32. Conduct of review
- 33. Procedural provisions
- 34. Powers of Board

DISCIPLINE

- 35. Executive Committee referral
- 36. Interim suspension
- 37. Panel for discipline hearing
- 38. Requirements re panel
- 39. Amendment of notice of hearing
- 40. Parties
- 41. Disclosure of evidence
- 42. No communication by panel members
- 43. Legal advice
- 44. Hearings open to public
- 45. Sexual misconduct witnesses
- 46. Transcript of hearings
- 47. Admissibility of evidence
- 48. Members who can participate in panel's decision
- 49. Professional misconduct
- 50. Incompetence
- 51. Costs if proceedings unwarranted
- 52. Decision to complainant
- 53. Release of evidence
- 54. Publication of decisions

INCAPACITY

- 55. Registrar's inquiry
- 56. Appointment of board of inquiry
- 57. Inquiries by board

Section

- 58. Board's report
- 59. Referral to Fitness to Practise Committee
- 60. Interim suspension
- 61. Restrictions on orders
- 62. Panels for Fitness to Practise hearings
- 63. Parties
- 64. Testimony of health professionals
- 65. Procedural provisions
- 66. Hearings closed to public
- 67. Orders

APPEALS TO COURT

- 68. Appeals from decisions of the Board
- 69. No stay of certain orders pending appeal

REINSTATEMENT

- 70. Applications for reinstatement
- 71. Referral to Committee
- 72. Orders without hearing

REGISTRAR'S POWERS OF INVESTIGATION

- 73. Investigators
- 74. Powers of investigators
- 75. Entries and searches
- 76. Copying of documents
- 77. Report of investigation

QUALITY ASSURANCE COMMITTEE

- 78. Quality assurance program required
- 79. Assessors
- 80. Co-operation with Committee and assessors
- 81. Confidentiality of information

MISCELLANEOUS

- 82. Right to use French
- 83. Injunctions
- 84. Evidence of Registrar
- 85. Limitation period
- 86. Reporting of members
- 87. Service by mail
- 88. Obtaining certificates by false pretences
- 89. Offence
- 90. By-laws
- 91. Regulations

- 1.—(1)** In this Act,
- “Board” means the Health Professions Board;
- “by-laws” means by-laws made by the Council;
- “certificate of registration” means a certificate of registration issued by the Registrar;
- “drug” means drug as defined in clause 113 (1) (d) of the *Drug and Pharmacies Regulation Act*;
- “incapacitated” means, in relation to a member, that the member is suffering from a physical or mental condition or disorder that makes it desirable in the interest of the public that the member no longer be permitted to practise or that the member’s practice be restricted;
- “member” means a member of the College;
- “Minister” means the Minister of Health;
- “prescribed” means prescribed in the regulations;
- “quality assurance program” means a program to assure the quality of the practice of the profession and to promote continuing competence among the members;
- “Registrar” means the Registrar of the College;
- “registration” means the issuance of a certificate of registration;
- “regulations” means the regulations made under this Act.

R.S.O. 1980,
c. 196

(2) Nothing in this Act shall be construed to require a hearing to be held within the meaning of the *Statutory Powers Procedure Act* unless the holding of a hearing is specifically referred to.

Hearing not
required
unless
referred to
R.S.O. 1980,
c. 484

COLLEGE

- 2.—(1)** The College is a body corporate without share capital with all the powers of a natural person.
- (2) The *Corporations Act* does not apply in respect to the College.
- 3.—(1)** The College has the following objects:

College is
body
corporate

Non-appli-
cation of
R.S.O. 1980,
c. 95

Objects of
College

1990, c. ...

1. To regulate the practice of the profession and to govern the members in accordance with this Act and the *Health Professions Regulation Act, 1990* and the regulations and by-laws.
2. To develop, establish and maintain standards of qualification for persons to be issued certificates of registration.
3. To develop, establish and maintain programs and standards of practice to assure the quality of the practice of the profession.
4. To develop, establish and maintain standards of knowledge and skill and programs to promote continuing competence among the members.
5. To develop, establish and maintain standards of professional ethics for the members.
6. To administer this Act and perform the other duties and exercise the other powers that are imposed or conferred on the College.
7. Any other objects relating to human health care that the Council considers desirable.

Duty

(2) In carrying out its objects, the College has a duty to serve and protect the public interest.

Council

4. The College shall have a Council that shall be its board of directors and that shall manage and administer its affairs.

Terms

5.—(1) Council members appointed by the Lieutenant Governor in Council shall be appointed for terms not exceeding three years.

Reappointments

(2) Council members appointed by the Lieutenant Governor in Council are eligible for reappointment.

Quorum

(3) The majority of the members of the Council constitutes a quorum.

Meetings

6.—(1) The meetings of the Council shall be open to the public and reasonable notice shall be given to the members of the College and to the public.

Exclusion of public

(2) Despite subsection (1), the Council may exclude the public from any meeting or part of a meeting if it is satisfied that,

- (a) matters involving public security may be disclosed;
- (b) financial or personal or other matters may be disclosed of such a nature that the desirability of avoiding public disclosure of them in the interest of any person affected or in the public interest outweighs the desirability of adhering to the principle that meetings be open to the public;
- (c) a person involved in a criminal proceeding or civil suit or proceeding may be prejudiced;
- (d) personnel matters or property acquisitions will be discussed;
- (e) instructions will be given to or opinions received from the solicitors for the College; or
- (f) the Council will deliberate whether to exclude the public from a meeting or whether to make an order under subsection (3).

(3) In situations in which the Council may exclude the public from meetings, it may make orders it considers necessary to prevent the public disclosure of matters disclosed in the meeting, including banning publication or broadcasting of those matters.

Orders preventing public disclosure

(4) If the Council excludes the public from a meeting or makes an order under subsection (3), it shall have its reasons for doing so noted in the minutes of the meeting.

Reasons for exclusion, etc., noted in minutes

7. Council members appointed by the Lieutenant Governor in Council shall be paid, by the Minister of Health, the expenses and remuneration the Lieutenant Governor in Council determines.

Remuneration and expenses

8.—(1) The Council may employ persons it considers advisable.

Employees

(2) The Council shall appoint one of its employees as the Registrar.

Registrar

9. The College shall have the following committees:

Committees

- 1. Executive Committee.
- 2. Registration Committee.
- 3. Complaints Committee.

4. Discipline Committee.
5. Fitness to Practise Committee.
6. Quality Assurance Committee.

Annual
reports

10.—(1) Each committee named in section 9 shall annually submit a report of its activities to the Council.

Exclusions
from reports

(2) The Executive Committee shall not submit a report that contains information, other than information of a general statistical nature, relating to,

- (a) a referral by the Executive Committee to the Discipline or Fitness to Practise Committee until a panel of the Discipline or Fitness to Practise Committee disposes of the matter;
- (b) an approval for the Registrar to appoint an investigator until the investigation is completed and reported by the Registrar and the Executive Committee decides not to make a referral with respect to the matter to the Discipline Committee or, if the Executive Committee makes a referral with respect to the matter to the Discipline Committee, until a panel of the Discipline Committee disposes of the matter; or
- (c) an interim order made by the Executive Committee in respect of a member until a panel of the Discipline Committee disposes of the matter.

Executive
Committee's
exercise of
Council's
powers

11.—(1) Between the meetings of the Council, the Executive Committee has all the powers of the Council with respect to any matter that, in the Committee's opinion, requires immediate attention, other than the power to make, amend or revoke a regulation or by-law.

Report to
Council

(2) If the Executive Committee exercises a power of the Council under subsection (1), it shall report on its actions to the Council at the Council's next meeting.

Members

12.—(1) A person registered by the College is a member.

Suspended
persons not
members

(2) A person whose certificate of registration is suspended is not a member.

Continuing
jurisdiction

13.—(1) A person who was a member is subject to the jurisdiction of the College in respect of his or her conduct while a member despite the resignation of the person as a

member or the suspension or revocation of the person's certificate of registration.

(2) A person who was a member is subject to the jurisdiction of the College in respect of his or her capacity or competence despite the suspension of the person's certificate of registration. Idem

REGISTRATION

14.—(1) If a person applies to the Registrar for registration, the Registrar shall, Registration

(a) register the applicant; or

(b) refer the application to the Registration Committee.

(2) The Registrar shall refer an application for registration to the Registration Committee if the Registrar, Referrals to
Registration
Committee

(a) has doubts, on reasonable grounds, about the sufficiency of the applicant's capacity, training, experience or education;

(b) is of the opinion that terms, conditions or limitations should be imposed on a certificate of registration of the applicant and the applicant does not consent to the imposition; or

(c) proposes to refuse the application.

(3) If the Registrar refers an application to the Registration Committee, he or she shall give the applicant notice of the statutory grounds for the referral and of the applicant's right to make written submissions under subsection 17 (1). Notice to
applicant

(4) If the Registrar is of the opinion that a certificate of registration should be issued to an applicant with terms, conditions or limitations imposed and the applicant consents to the imposition, the Registrar may do so with the approval of a panel of the Registration Committee selected by the chair for the purpose. Terms, etc.,
attached on
consent

(5) Subsections 16 (2) and (3) apply with respect to the panel mentioned in subsection (4). Panels for
consent

15.—(1) The Registrar shall give an applicant for registration, at his or her request, all the information and a copy of each document the College has that is relevant to the application. Disclosure of
application
file

Exception

(2) The Registrar may refuse to give an applicant anything that may, in the Registrar's opinion, jeopardize the safety of any person.

Panels

16.—(1) An application for registration referred to the Registration Committee or an application referred back to the Registration Committee by the Board shall be reviewed by a panel selected by the chair from among the members of the Committee.

Idem

(2) A panel shall be composed of at least three persons, one of whom shall be a person appointed to the Council by the Lieutenant Governor in Council.

Quorum

(3) Three members of a panel constitute a quorum.

Consideration
by panel

17.—(1) An applicant may make written submissions to the panel within thirty days after receiving notice under subsection 14 (3) or within any longer period the Registrar may specify in the notice.

Orders by
panel

(2) After considering the application and the submissions, the panel may make an order doing any one or more of the following:

1. Directing the Registrar to issue a certificate of registration.
2. Directing the Registrar to issue a certificate of registration if the applicant successfully completes examinations set or approved by the panel.
3. Directing the Registrar to issue a certificate of registration if the applicant successfully completes additional training specified by the panel.
4. Directing the Registrar to impose specified terms, conditions and limitations on a certificate of registration of the applicant and specifying a limitation on the applicant's right to apply under subsection 18 (1).
5. Directing the Registrar to refuse to issue a certificate of registration.

Idem

(3) A panel, in making an order under subsection (2), may direct the Registrar to issue a certificate of registration to an applicant who does not meet a registration requirement unless the requirement is prescribed as a non-exemptible requirement.

(4) The panel shall provide the applicant with written reasons for any order it makes under paragraphs 2 to 5 of subsection (2). Written reasons

(5) The panel may, with the consent of the applicant, direct the Registrar to issue a certificate of registration with the terms, conditions and limitations specified by the panel imposed. Order on consent

18.—(1) A member may apply to the Registration Committee, subject to any limitation in an order of a panel under paragraph 4 of subsection 17 (2) or under subsection (6), for an order directing the Registrar to remove or modify any term, condition or limitation imposed on the member's certificate of registration under an order by a panel of the Registration Committee. Application for variation

(2) An application to the Registration Committee under subsection (1) or an application referred back to the Registration Committee by the Board shall be reviewed by a panel selected by the chair from among the members of the Committee. Panels

(3) Subsections 16 (2) and (3) apply with respect to the panel mentioned in subsection (2). Idem

(4) An applicant may make written submissions to the panel. Submissions to panel

(5) After considering the application and the submissions, the panel may make an order doing any one or more of the following: Orders

1. Refusing the application.
2. Directing the Registrar to remove any term, condition or limitation imposed on the certificate of registration.
3. Directing the Registrar to impose terms, conditions or limitations on the certificate of registration.

(6) The panel, in disposing of an application under this section, may fix a period of time not longer than six months during which the applicant may not apply under subsection (1). Limitations on applications

19.—(1) A panel shall give the applicant notice of an order it makes under subsection 17 (2) or 18 (5) and the reasons for it if the order, Notice of orders

- (a) directs the Registrar to refuse to issue a certificate of registration;
- (b) directs the Registrar to issue a certificate of registration if the applicant successfully completes examinations or additional training;
- (c) directs the Registrar to impose terms, conditions and limitations on a certificate of registration of the applicant; or
- (d) refuses an application for an order removing or modifying any term, condition or limitation imposed on a certificate of registration.

Contents of
notice

(2) A notice under subsection (1) shall inform the applicant of the order and of the provisions of subsections 20 (1) and (2).

Appeal to
Board

20.—(1) An applicant who has been given a notice under subsection 19 (1) of an order may require the Board to hold a review of the application and the documentary evidence in support of it, or a hearing of the application, by giving the Board and the Registration Committee notice in accordance with subsection (2).

Requirements
of notice

(2) A notice under subsection (1) shall be a written notice, given within thirty days after the notice under subsection 19 (1) was given, specifying whether a review or a hearing is required.

Committee to
give order,
etc., to
Board

(3) If the Registration Committee receives a notice that an applicant requires a hearing or review, it shall forthwith give the Board a copy of the order made with respect to the application, the reasons for it and the documents and things upon which the decision to make the order was based.

When order
may be
carried out

(4) An order of a panel, notice of which is required under subsection 19 (1), may be carried out only when,

- (a) thirty-five days have passed since the notice of the order was given under subsection 19 (1) without the applicant requiring a review or hearing; or
- (b) the Board has confirmed the order.

Registration
hearings or
reviews

21.—(1) This section applies to a hearing or review by the Board required by an applicant under subsection 20 (1).

(2) The following provisions apply with necessary modifications to a hearing or review: Procedural provisions

1. Subsection 37 (4) (exclusion from panel of persons previously involved).
2. Section 41 (disclosure of evidence).
3. Section 42 (no communication by panel members).
4. Section 48 (members who can participate in panel's decision).
5. Section 53 (release of evidence).

(3) The following provisions also apply with necessary modifications to a hearing: Idem

1. Section 44 (hearings open to public).
2. Section 45 (sexual misconduct witnesses).
3. Section 46 (transcript of hearings).

(4) The findings of fact in a hearing shall be based exclusively on evidence admissible or matters that may be noticed under sections 15 and 16 of the *Statutory Powers Procedure Act*. Findings of fact
R.S.O. 1980,
c. 484

(5) The findings of fact in a review shall be based exclusively on the application and documentary evidence admissible or matters that may be noticed under sections 15 and 16 of the *Statutory Powers Procedure Act*. Idem

(6) The Board shall, after the hearing or review, make an order doing any one or more of the following: Disposal by Board

1. Confirming the order made by the panel.
2. Requiring the Registration Committee to make an order directing the Registrar to issue a certificate of registration to the applicant if the applicant successfully completes any examinations or training the Registration Committee may specify.
3. Requiring the Registration Committee to make an order directing the Registrar to issue a certificate of registration to the applicant and to impose any terms, conditions and limitations the Board considers appropriate.

4. Referring the matter back to the Registration Committee for further consideration by a panel, together with any recommendations the Board considers appropriate.

Idem

(7) The Board may make an order under paragraph 3 of subsection (6) only if the Board finds that the applicant substantially qualifies for registration and the panel has exercised its powers improperly.

Idem

(8) The Board, in making an order under subsection (6), may direct the Registrar to issue a certificate of registration to an applicant who does not meet a registration requirement unless the requirement is prescribed as a non-exemptible requirement.

Parties

(9) The College and the applicant are parties to a hearing or review.

Register of
members

22.—(1) The Registrar shall maintain a register.

Contents of
register

(2) The register shall contain,

- (a) each member's name, business address and business telephone number;
- (b) each member's class of registration and specialist status;
- (c) the terms, conditions and limitations imposed on each certificate of registration;
- (d) a notation of every revocation and suspension of a certificate of registration;
- (e) the result of every disciplinary and incapacity proceeding;
- (f) information that the Registration, Discipline or Fitness to Practise Committee specifies shall be included; and
- (g) information that the regulations prescribe as information to be kept in the register.

Access to
information
in register

(3) A person may obtain, during normal business hours, the following information contained in the register:

1. Information described in clauses (2) (a) to (d).

- 2. The results of every disciplinary and incapacity proceeding completed within three years before the time the register was prepared or last updated,
 - i. in which a member's certificate of registration was revoked or suspended or had terms, conditions or limitations imposed on it, or
 - ii. in which a member was required to pay a fine or attend to be reprimanded or in which an order was suspended if the results of the proceeding were directed to be included in the register by the Discipline or Fitness to Practise Committee.

3. Information designated as public in the regulations.

(4) The Registrar shall provide to a person, upon the payment of a reasonable charge, a copy of any information in the register the person may obtain.

Copies of information from register

23. The Registrar may revoke a member's certificate of registration for failure to pay a prescribed fee after two months notice of the default and intention to revoke.

Revocation for non-payment of fees

COMPLAINTS

24.—(1) A complaint filed with the Registrar regarding the conduct or actions of a member shall be investigated by a panel selected by the chair of the Complaints Committee from among the members of the Committee.

Panel for investigation of complaints

(2) A panel shall be composed of at least three persons, one of whom shall be a person appointed to the Council by the Lieutenant Governor in Council.

Composition

(3) Three members of a panel constitute a quorum.

Quorum

(4) A panel shall not be selected unless the complaint is in writing.

No panel unless complaint in writing

(5) The Registrar shall give the member who is the subject of a complaint notice of the complaint and of the provisions of subsection 25 (1).

Notice to member

25.—(1) A member who is the subject of a complaint may make written submissions to the panel within thirty days after receiving notice under subsection 24 (5).

Consideration by panel

Powers of
panel

(2) A panel, after investigating a complaint regarding the conduct or actions of a member, considering the submissions of the member and considering or making reasonable efforts to consider all records and documents it considers relevant to the complaint, may do any one or more of the following:

1. Refer a specified allegation of the member's professional misconduct or incompetence to the Discipline Committee if the allegation is related to the complaint.
2. Refer the member to the Executive Committee for incapacity proceedings.
3. Require the member to appear before the panel to be cautioned.
4. Take action it considers appropriate that is not inconsistent with this Act, the regulations or by-laws.

Notice of
decision

26. A panel shall give the complainant and the member who is the subject of the complaint,

- (a) a copy of its decision;
- (b) a copy of its reasons, if the panel decided to take no action with respect to a complaint or to do anything under paragraph 3 or 4 of subsection 25 (2); and
- (c) a notice advising the member and the complainant of any right to request a review they may have under subsection 28 (2).

Timely
disposal of
complaint

27.—(1) A panel shall dispose of a complaint within 120 days after the filing of the complaint.

If complaint
not disposed
of

(2) If a complaint regarding the conduct or actions of a member has not been disposed of by a panel within 120 days after the filing of the complaint, the Board, on application of the member or the complainant, may require the Complaints Committee to ensure the complaint is disposed of.

If further
delay

(3) If the complaint is not disposed of within sixty days after the Board's requirement, the Board shall investigate the complaint and make an order under subsection (5) within 120 days after the Board's requirement.

Board's
investigatory
powers

(4) In investigating a complaint, the Board has all the powers of a panel of the Complaints Committee and of the

Registrar with respect to the investigation of the matter and, in particular, the Board may appoint an investigator under clause 73 (c).

(5) After an investigation, the Board may do any one or more of the following: Powers of Board

1. Refer the matter to the Complaints Committee.
2. Make recommendations the Board considers appropriate to the Complaints Committee.
3. Require the Complaints Committee or a panel to do anything the Committee or a panel may do under this Act except to request the Registrar to conduct an investigation.

28.—(1) Subject to section 29, the Board shall review a decision of a panel of the Complaints Committee if the Board receives a request under subsection (2). Review by Board of Complaints Committee decision

(2) The complainant or the member who is the subject of the complaint may request the Board to review a decision of a panel of the Complaints Committee unless the decision was, Request for review

- (a) to refer an allegation of professional misconduct to the Discipline Committee; or
- (b) to refer the member to the Executive Committee for incapacity proceedings.

(3) A request for a review may be made only within thirty days after the receipt of the notice of the right to request a review given under clause 26 (c). Time limit

(4) The complainant and the member who is the subject of the complaint are parties to a review. Parties

29.—(1) The Board shall not review a decision if the party who requested the review withdraws the request and the other party consents. When Board shall not review

(2) If the Board considers a request to review a decision to have been frivolous, vexatious, made in bad faith or otherwise an abuse of process, it shall give the parties notice that it intends to not proceed with the review and that the parties have a right to make written submissions within thirty days after receiving the notice. Request in bad faith, etc.

Idem

(3) If the Board is satisfied, after considering the written submissions of the parties, that a request was frivolous, vexatious, made in bad faith or otherwise an abuse of process, the Board shall not review the decision.

Personal representative may act as complainant

30. A complainant's personal representative may act as the complainant for the purposes of a review of the decision by the Board if the complainant dies or becomes incapacitated.

Record of decision to be reviewed

31.—(1) If the Board is requested to review a decision, the Registrar shall give the Board, within fifteen days after the Board's request, a record of the investigation and the documents and things upon which the decision was based.

Disclosure

(2) Before reviewing a decision, the Board shall disclose to the parties and to the Complaints Committee everything given to it by the Registrar under subsection (1).

Exceptions

(3) The Board may refuse to disclose anything that may, in its opinion,

- (a) disclose matters involving public security;
- (b) undermine the integrity of the complaint investigation and review process;
- (c) disclose financial or personal or other matters of such a nature that the desirability of avoiding their disclosure in the interest of any person affected or in the public interest outweighs the desirability of adhering to the principle that disclosure be made;
- (d) prejudice a person involved in a criminal proceeding or in a civil suit or proceeding; or
- (e) jeopardize the safety of any person.

Conduct of review

32.—(1) In a review, the Board shall consider either or both of,

- (a) the adequacy of the investigation conducted; or
- (b) the reasonableness of the decision.

Procedure

(2) In conducting a review, the Board,

- (a) shall give the party requesting the review an opportunity to comment on the matters set out in clauses

(1) (a) and (b) and the other party an opportunity to respond to those comments;

- (b) may question the parties and a representative of the College;
- (c) may permit the parties to make representations with respect to issues raised by any questions asked under clause (b); and
- (d) shall not allow the parties or the representative of the College to question each other.

33. The following provisions apply with necessary modifications to a review by the Board: Procedural provisions

- 1. Section 42 (no communication by panel members).
- 2. Section 43 (legal advice).
- 3. Section 44 (hearings open to public).
- 4. Section 45 (sexual misconduct witnesses).
- 5. Section 48 (members who can participate in panel's decision).
- 6. Section 53 (release of evidence).

34.—(1) After conducting a review of a decision, the Board may do any one or more of the following: Powers of Board

- 1. Confirm all or part of the decision.
- 2. Make recommendations the Board considers appropriate to the Complaints Committee.
- 3. Require the Complaints Committee to do anything the Committee or a panel may do under this Act except to request the Registrar to conduct an investigation.

(2) The Board shall give its decision and reasons in writing to the parties and the Complaints Committee. Decision in writing

DISCIPLINE

35. The Executive Committee may refer a specified allegation of a member's professional misconduct to the Discipline Committee. Executive Committee referral

Interim
suspension

36.—(1) The Executive Committee may, subject to subsection (4), make an interim order directing the Registrar to suspend or impose terms, conditions or limitations on a member's certificate of registration if,

- (a) it has referred a matter involving the member to the Discipline Committee; and
- (b) it is of the opinion that the conduct of the member exposes or is likely to expose his or her patients to harm or injury.

Procedure
following
interim
suspension

(2) If an order is made under subsection (1) by the Executive Committee in relation to a matter referred to the Discipline Committee,

- (a) the College shall prosecute the matter expeditiously; and
- (b) the Discipline Committee shall give precedence to the matter.

Duration of
order

(3) An order under subsection (1) continues in force until the matter is disposed of by a panel of the Discipline Committee.

Restrictions
on orders

(4) No order shall be made under subsection (1) with respect to a member by the Executive Committee unless the member has been given,

- (a) notice of the Committee's intention to make the order; and
- (b) at least fourteen days to make written submissions to the Committee.

Panel for
discipline
hearing

37.—(1) The chair of the Discipline Committee shall select a panel from among the members of the Committee to hold a hearing of allegations of a member's professional misconduct or incompetence referred to the Committee by the Executive or Complaints Committee.

Composition

(2) A panel shall be composed of at least three and no more than five persons, one of whom shall be a person appointed to the Council by the Lieutenant Governor in Council.

Composition

(3) One of the members of a panel shall be both a member of the College and a member of the Council.

(4) No person shall be selected for a panel who has taken part in the investigation of what is to be the subject-matter of the panel's hearing.

Exclusion from panel of persons previously involved

(5) Three members of a panel constitute a quorum.

Quorum

38.—(1) A member of a panel who was appointed to the Council by the Lieutenant Governor in Council must be present for a hearing to commence.

Requirements re panel

(2) A member of a panel who ceases to be a member of the Discipline Committee after a hearing of a matter has commenced before the panel shall be deemed, for the purposes of dealing with that matter, to remain a member of the panel until the final disposition of the matter.

Panel members deemed to continue

39. A panel may at any time permit a notice of hearing of allegations against a member to be amended to correct errors or omissions of a minor or clerical nature if it is of the opinion that it is just and equitable to do so and the panel may make any order it considers necessary to prevent prejudice to the member.

Amendment of notice of hearing

40. The College and the member against whom allegations have been made are parties to a hearing.

Parties

41.—(1) Evidence against a member is not admissible at a hearing of allegations against the member unless the member is given, at least ten days before the hearing,

Disclosure of evidence

- (a) in the case of written or documentary evidence, an opportunity to examine the evidence;
- (b) in the case of evidence of an expert, a copy of the expert's written report or if there is no written report, a written summary of the evidence; or
- (c) in the case of evidence of a witness, the identity of the witness.

(2) A panel may, in its discretion, allow the introduction of evidence that is inadmissible under subsection (1) and may make directions it considers necessary to ensure that the member is not prejudiced.

Exception

42. No member of a panel holding a hearing shall communicate outside the hearing, in relation to the subject-matter of the hearing, with a party or the party's representative unless the other party has been given notice of the subject-matter of

No communication by panel members

the communication and an opportunity to be present during the communication.

Legal advice

43. If a panel obtains legal advice with respect to a hearing, it shall make the nature of the advice known to the parties and they may make submissions with respect to the advice.

Hearings
open to
public

44.—(1) A hearing shall be open to the public unless the panel is satisfied that,

- (a) matters involving public security may be disclosed;
- (b) financial or personal or other matters may be disclosed at the hearing of such a nature that the desirability of avoiding public disclosure of those matters in the interest of any person affected or in the public interest outweighs the desirability of adhering to the principle that meetings be open to the public;
- (c) a person involved in a criminal proceeding or in a civil suit or proceeding may be prejudiced; or
- (d) the safety of a person may be jeopardized.

Exclusion of
public

(2) If subsection (1) does not require a hearing to be open to the public, the panel may make an order that the public be excluded from the hearing or any part of it and it may make other orders it considers necessary to prevent the public disclosure of matters disclosed at the hearing, including orders banning the publication or broadcasting of those matters.

Public
information
may be
disclosed

(3) No order shall be made under subsection (2) that prevents the publication of anything that is contained in the register and available to the public.

Exclusion of
public during
certain
motions

(4) The panel may make an order that the public be excluded from the part of a hearing dealing with a motion for an order under subsection (2).

Orders with
respect to
matters in
submissions

(5) The panel may make any order necessary to prevent the public disclosure of matters disclosed in the submissions relating to any motion described in subsection (4), including prohibiting the publication or broadcasting of those matters.

Reasons for
order to
exclude
public, etc.,
available to
public

(6) The panel shall ensure that any order it makes under this section and its reasons are available to the public in writing.

(7) The panel may reconsider an order made under subsection (2) at the request of any person or on its own motion.

Reconsidering of order to exclude public, etc.

45. A panel shall, on the request of a witness whose testimony is in relation to allegations of a member's misconduct of a sexual nature involving the witness, make an order that no person shall publish the identity of the witness or any information that could disclose the identity of the witness.

Sexual misconduct witnesses

46.—(1) The panel holding a hearing shall ensure that,

Transcript of hearings

- (a) the oral evidence is recorded;
- (b) copies of the transcript of the hearing are available to a party on the party's request at the party's expense; and
- (c) copies of the transcript of any part of the hearing that is not the subject of an order prohibiting publication are available to any person at that person's expense.

(2) If a transcript of a part of a hearing that is the subject of an order prohibiting publication is filed with a court in respect of proceedings, only the court and the parties to the proceedings may examine it unless the court orders otherwise.

Transcripts filed with court

47. Despite the *Statutory Powers Procedure Act*, nothing is admissible at a hearing that would be inadmissible in a court in a civil action and the findings of a panel shall be based exclusively on evidence admitted before it.

Admissibility of evidence
R.S.O. 1980, c. 484

48. Only the members of a panel who were present throughout a hearing shall participate in the panel's decision.

Members who can participate in panel's decision

49.—(1) A panel shall find that a member has committed an act of professional misconduct if,

Professional misconduct

- (a) the member has been convicted of an offence that is relevant to the member's suitability to practise;
- (b) the governing body of a health profession in a jurisdiction other than Ontario has found that the member committed an act of professional misconduct that would, in the opinion of the panel, be an act of professional misconduct as defined in the regulations under this Act; or

- (c) the member has committed an act of professional misconduct as defined in the regulations under this Act.

Orders

(2) If a panel finds a member has committed an act of professional misconduct, it may make an order doing any one or more of the following:

1. Directing the Registrar to revoke the member's certificate of registration.
2. Directing the Registrar to suspend the member's certificate of registration for a specified period of time.
3. Directing the Registrar to impose specified terms, conditions and limitations on the member's certificate of registration for a specified or indefinite period of time.
4. Requiring the member to appear before the panel to be reprimanded.
5. Requiring the member to pay a fine of not more than \$10,000 to the Treasurer of Ontario.

Idem

(3) In making an order under paragraph 2 or 3 of subsection (2), a panel may specify criteria to be satisfied for the removal of a suspension or the removal of terms, conditions and limitations imposed on a member's certificate of registration.

Suspension of order

(4) A panel may suspend the effect of an order made under subsection (2) for a specified period and on specified conditions.

Incompetence

50.—(1) A panel shall find a member to be incompetent if the member's professional care of a patient displayed a lack of knowledge, skill or judgment or disregard for the welfare of the patient of a nature or to an extent that demonstrates that the member is unfit to continue to practise or that the member's practice should be restricted.

Order

(2) If a panel finds a member is incompetent, it may make an order doing any one or more of the following:

1. Directing the Registrar to revoke the member's certificate of registration.

2. Directing the Registrar to suspend the member's certificate of registration.
3. Directing the Registrar to impose specified terms, conditions and limitations on the member's certificate of registration for a specified or indefinite period of time.

(3) In making an order under subsection (2), a panel may specify criteria to be satisfied for the removal of a suspension or the removal of terms, conditions and limitations imposed on a member's certificate of registration. Idem

51. If a panel is of the opinion that proceedings were unwarranted, it may make an order requiring the College to pay all or part of the member's legal costs. Costs if proceedings unwarranted

52. A panel shall give its decision and reasons in writing to the parties and, if the matter had been referred to the Discipline Committee by the Complaints Committee, to the complainant in the matter. Decision to complainant

53. The Discipline Committee shall release documents and things put into evidence at a hearing to the person who produced them, on request, within a reasonable time after the matter in issue has been finally determined. Release of evidence

54.—(1) The College shall publish a panel's decision and its reasons, or a summary of its reasons, in its annual report and may publish the decision and reasons or summary in any other publication of the College. Publication of decisions

(2) In publishing a decision and reasons or summary under subsection (1), the College shall publish the name of the member who was the subject of the proceeding if, Publication of member's name

(a) the results of the proceeding may be obtained by a person from the register; or

(b) the member requests the publication of his or her name.

(3) The College shall not publish the member's name unless it is required to do so under subsection (2). Withholding of member's name

INCAPACITY

55. If the Registrar believes that a member may be incapacitated, the Registrar shall make inquiries he or she consid- Registrar's inquiry

ers appropriate and shall report the results of the inquiries to the Executive Committee.

Appointment
of board of
inquiry

56.—(1) The Executive Committee may appoint a board of inquiry to inquire into whether a member is incapacitated if it receives,

- (a) a report from the Registrar under section 55; or
- (b) a referral from a panel of the Complaints Committee under paragraph 2 of subsection 25 (2).

Notice to
member

(2) The Executive Committee shall give a member notice that it intends to appoint a board of inquiry to inquire into whether the member is incapacitated before it appoints a board.

Composition
of board

(3) A board of inquiry shall be composed of one member of the Council who was appointed by the Lieutenant Governor in Council and two or more members of the College.

Inquiries by
board

57.—(1) A board of inquiry shall make inquiries it considers appropriate.

Physical or
mental
examinations

(2) If, after making inquiries, a board of inquiry has reasonable and probable grounds to believe that the member who is the subject of the inquiry is incapacitated, the board may require the member to submit to physical or mental examinations conducted or ordered by a health professional specified by the board and may, subject to section 61, make an order directing the Registrar to suspend the member's certificate of registration until he or she submits to the examinations.

Board's
report

58. A board of inquiry shall report to the Executive Committee and shall give a copy of its report and a copy of any report on an examination required under subsection 57 (2) to the member who was the subject of the inquiry.

Referral to
Fitness to
Practise
Committee

59. After receiving the report of a board of inquiry, the Executive Committee may refer the matter to the Fitness to Practise Committee.

Interim
suspension

60.—(1) The Executive Committee may, subject to section 61, make an interim order directing the Registrar to suspend or impose terms, conditions or limitations on a member's certificate of registration if,

- (a) it has referred a matter involving the member to the Fitness to Practise Committee; and

- (b) it is of the opinion that the physical or mental state of the member exposes or is likely to expose his or her patients to harm or injury.

(2) If an order is made under subsection (1) by the Executive Committee in relation to a matter referred to the Fitness to Practise Committee,

Procedure following interim suspension

- (a) the College shall prosecute the matter expeditiously; and
- (b) the Fitness to Practise Committee shall give precedence to the matter.

(3) An order under subsection (1) continues in force until the matter is disposed of by a panel of the Fitness to Practise Committee.

Duration of order

61. No order shall be made with respect to a member by a board of inquiry under subsection 57 (2) or by the Executive Committee under subsection 60 (1) unless the member has been given,

Restrictions on orders

- (a) notice of the intention of the board or Committee to make the order;
- (b) at least fourteen days to make written submissions to the board or Committee; and
- (c) in the case of an order by the Executive Committee under subsection 60 (1), a copy of the provisions of section 60

62.—(1) The chair of the Fitness to Practise Committee shall select a panel from among the members of the Committee to hold a hearing of any matter referred to the Committee by the Executive Committee.

Panels for Fitness to Practise hearings

(2) A panel shall be composed of at least three persons, one of whom shall be a person appointed to the Council by the Lieutenant Governor in Council.

Composition

(3) Three members of a panel constitute a quorum.

Quorum

63. The College, the member who is alleged to be incapacitated and any other person specified by the panel are parties to a hearing.

Parties

64.—(1) A health professional shall not give, at a hearing, evidence in his or her professional capacity unless he or she

Testimony of health professionals

prepares and signs a report containing his or her findings and the facts they are based on and the report is introduced by a party as evidence.

Reports

(2) A report described in subsection (1) is admissible as evidence at a hearing without proof of its making or of the health professional's signature if a copy of the report is given to the other parties at least ten days before the hearing.

Cross-examination of health professional

(3) If a report described in subsection (1) is introduced by a party, the other parties may summon and cross-examine the person who prepared the report.

Procedural provisions

65. The following provisions apply with necessary modifications to a hearing by a panel:

1. Subsection 21 (4) (findings of fact).
2. Subsection 37 (4) (exclusion from panel of persons previously involved).
3. Subsection 38 (2) (panel members deemed to continue).
4. Section 41 (disclosure of evidence).
5. Section 42 (no communication by panel members).
6. Section 43 (legal advice).
7. Section 45 (sexual misconduct witnesses).
8. Section 48 (members who can participate in panel's decision).
9. Section 53 (release of evidence).

Hearings closed to public

66.—(1) A hearing shall, subject to subsection (2), be closed to the public.

Open on request of member in some cases

(2) A hearing shall be open to the public if the person who is alleged to be incapacitated requests it in a written notice received by the Registrar before the day the hearing commences, unless the panel is satisfied that,

- (a) matters involving public security may be disclosed;
- (b) financial or personal matters or other matters may be disclosed at the hearing of such a nature, having regard to the circumstances, that the desirability of

avoiding disclosure thereof in the interest of any person affected other than the person whose capacity is being investigated or in the public interest outweighs the desirability of adhering to the principle that hearings be open to the public;

- (c) a person involved in a criminal proceeding or civil suit may be prejudiced; or
- (d) the safety of any person may be jeopardized.

67.—(1) If a panel finds that a member is incapacitated, it shall make an order doing any one or more of the following: Orders

1. Directing the Registrar to revoke the member's certificate of registration.
2. Directing the Registrar to suspend the member's certificate of registration.
3. Directing the Registrar to impose specified terms, conditions and limitations on the member's certificate of registration for a specified or indefinite period of time.

(2) In making an order under subsection (1), a panel may specify criteria to be satisfied for the removal of a suspension or the removal of terms, conditions and limitations imposed on a member's certificate of registration. Idem

APPEALS TO COURT

68.—(1) A party to proceedings before the Board concerning a registration hearing or review or to proceedings before a panel of the Discipline or Fitness to Practise Committee, other than a hearing of an application under subsection 70 (1), may appeal from the decision of the Board or panel to the Divisional Court. Appeals from decisions of the Board

(2) An appeal under subsection (1) may be made on questions of law or fact or both. Basis of appeal

(3) In an appeal under subsection (1), the Court has all the powers of the Board or panel that dealt with the subject-matter of the proceedings. Court has powers of Board and Committee

69. An order made by a panel of the Discipline Committee on the grounds of incompetence or by a panel of the Fitness to Practise Committee on the grounds of incapacity, directing the Registrar to revoke, suspend or impose terms, No stay of certain orders pending appeal

limitations or conditions on a member's certificate, takes effect immediately despite any appeal.

REINSTATEMENT

Applications
for
reinstatement

70.—(1) A person whose certificate of registration has been revoked or suspended as a result of disciplinary or incapacity proceedings may apply in writing to the Registrar to have a new certificate issued or the suspension removed.

Time of
application

(2) An application under subsection (1) shall not be made earlier than,

- (a) one year after the revocation or suspension; or
- (b) six months after a previous application under subsection (1).

Referral to
Committee

71.—(1) The Registrar shall refer the application, if the revocation or suspension was on the grounds of,

- (a) professional misconduct or incompetence, to the Discipline Committee; or
- (b) incapacity, to the Fitness to Practise Committee.

Hearings

(2) The chair of a committee to which an application is referred shall select a panel from among the members of the committee to hold a hearing of the application.

Procedural
provisions

(3) The following provisions apply with necessary modifications to a hearing of an application by a panel of the Discipline Committee:

1. Subsection 21 (4) (findings of fact).
2. Subsection 37 (2) (composition).
3. Subsection 37 (3) (composition).
4. Subsection 37 (5) (quorum).
5. Section 42 (no communication by panel members).
6. Section 43 (legal advice).
7. Section 44 (hearings open to public).
8. Section 45 (sexual misconduct witnesses).

9. Section 46 (transcript of hearings).
10. Section 48 (members who can participate in panel's decision).
11. Section 53 (release of evidence).

(4) The following provisions apply with necessary modifications to a hearing of an application by a panel of the Fitness to Practise Committee: ^{Idem}

1. Subsection 21 (4) (findings of fact).
2. Section 42 (no communication by panel members).
3. Section 43 (legal advice).
4. Section 66 (hearings closed to public).
5. Section 45 (sexual misconduct witnesses).
6. Section 46 (transcript of hearings).
7. Section 48 (members who can participate in panel's decision).
8. Section 53 (release of evidence).
9. Subsection 62 (2) (composition).
10. Subsection 62 (3) (quorum).

(5) A panel may, after a hearing, make an order doing any one or more of the following: ^{Order}

1. Directing the Registrar to issue a certificate of registration to the applicant.
2. Directing the Registrar to remove the suspension of the applicant's certificate of registration.
3. Directing the Registrar to impose specified terms, conditions and limitations on the applicant's certificate of registration.

(6) A panel that held a hearing of an application shall give its decision and reasons in writing to the applicant and the Registrar. ^{Decision}

Orders
without
hearing

72. The Council or Executive Committee may, without a hearing, with respect to a person whose certificate of registration has been revoked or suspended as a result of disciplinary or incapacity proceedings, make an order doing any one or more of the following:

1. Directing the Registrar to issue a new certificate of registration to the applicant.
2. Directing the Registrar to remove the suspension of the applicant's certificate of registration.
3. Directing the Registrar to impose specified terms, conditions and limitations on the applicant's certificate of registration if an order is made under paragraph 1 or 2.

REGISTRAR'S POWERS OF INVESTIGATION

Investigators

73. The Registrar may appoint one or more investigators to determine whether a member has committed an act of professional misconduct or is incompetent if,

- (a) the Registrar believes on reasonable and probable grounds that the member has committed an act of professional misconduct or is incompetent and the Executive Committee approves of the appointment;
- (b) the Executive Committee has received a report from the Quality Assurance Committee with respect to the member and has requested the Registrar to conduct an investigation; or
- (c) the Complaints Committee has received a written complaint about the member and has requested the Registrar to conduct an investigation.

Powers of
investigators

74.—(1) An investigator may inquire into and examine the practice of the member to be investigated and has, for the purposes of the investigation, all the powers of a commission under the *Public Inquiries Act*.

R.S.O. 1980,
c. 411

Idem

(2) An investigator may, on the production of his or her appointment, enter at any reasonable time the business premises of the member and may examine anything found there that is relevant to the investigation.

Obstruction
prohibited

(3) No person shall obstruct an investigator or withhold or conceal from him or her or destroy anything that is relevant to the investigation.

75.—(1) A justice of the peace may, on the application of the investigator, issue a warrant authorizing an investigator to enter and search a place and examine anything that is relevant to the investigation if the justice of the peace is satisfied that the investigator has been properly appointed and that there are reasonable and probable grounds for believing that,

Entries and searches

(a) the member being investigated has committed an act of professional misconduct or is incompetent; and

(b) there is something relevant to the investigation at the place.

(2) A warrant issued under subsection (1) does not authorize an entry or search after sunset and before sunrise unless it is expressly stated in the warrant.

Searches by day unless stated

(3) An investigator entering and searching a place under the authority of a warrant issued under subsection (1) may be assisted by other persons and may enter a place by force.

Assistance and entry by force

(4) An investigator entering and searching a place under the authority of a warrant issued under subsection (1) shall produce his or her identification, on request, to any person at the place.

Investigator to show identification

76.—(1) An investigator may copy, at the College's expense, a document or object that an investigator may examine under subsection 74 (2) or under the authority of a warrant issued under subsection 75 (1).

Copying of documents and objects

(2) An investigator may remove a document or object described in subsection (1) if,

Removal for documents and objects

(a) it is not practicable to copy it in the place where it is examined; or

(b) a copy of it is not sufficient for the purposes of the investigation.

(3) If it is practicable to copy a document or object removed under subsection (2), the investigator shall,

Return of documents and objects or copies

(a) if it was removed under clause (2) (a), return the document or object within a reasonable time; or

(b) if it was removed under clause (2) (b), provide the person who was in possession of the document or object with a copy of it within a reasonable time.

Copy as
evidence

(4) A copy of a document or object certified by an investigator to be a true copy shall be received in evidence in any proceeding to the same extent and shall have the same evidentiary value as the document or object itself.

Definition

(5) In this section, "document" means a record of information in any form and includes any part of it.

Report of
investigation

77. The Registrar shall report the results of an investigation to,

- (a) the Executive Committee if the investigator was appointed under clause 73 (a) or (b);
- (b) the Complaints Committee if the investigator was appointed under clause 73 (c), at the request of the Complaints Committee; or
- (c) the Board if the investigator was appointed under clause 73 (c) by the Board exercising the Registrar's powers under subsection 27 (4).

QUALITY ASSURANCE COMMITTEE

Quality
assurance
program
required

78. The Council shall make regulations under paragraph 21 of subsection 91 (1) prescribing a quality assurance program.

Assessors

79. The Quality Assurance Committee may appoint assessors for the purposes of a quality assurance program.

Co-operation
with
Committee
and assessors

80.—(1) Every member shall co-operate with the Quality Assurance Committee and with any assessor it appoints and in particular every member shall,

- (a) permit the assessor to enter and inspect the premises where the member practises;
- (b) permit the assessor to inspect the member's records of the care of patients;
- (c) give the Committee or the assessor the information in respect of the care of patients or in respect of the member's records of the care of patients the Committee or assessor requests in the form the Committee or assessor specifies;
- (d) confer with the Committee or the assessor if requested to do so by either of them; and

- (e) participate in a program designed to evaluate the knowledge, skill and judgment of the member, if requested to do so by the Committee.

(2) A person shall permit an assessor to enter and inspect the premises where a member practises and to inspect the records relating to the member's care of patients if, Idem

- (a) the person employs the member;
- (b) the person is a partner of or is otherwise associated with the member for the purpose of offering and providing health services;
- (c) the person procures employment for the member; or
- (d) the person is a hospital that has granted privileges to the member.

(3) Subsections (1) and (2) apply despite any provision in any Act relating to the confidentiality of health records.

Section
overrides
other
confiden-
tiality
provisions

Confiden-
tiality of
information

81.—(1) Except as provided in this section, the Quality Assurance Committee and any assessor appointed by it shall not disclose, to any other committee, information that,

- (a) was given by the member; or
- (b) is about the member and was obtained under sub-section 80 (1) or (2).

(2) Information described in subsection (1) may be disclosed for the purpose of showing that the member knowingly gave false information to the Quality Assurance Committee or an assessor. Exception if
member gave
false
information

(3) If the Quality Assurance Committee is of the opinion, based on an assessment, that a member may have committed an act of professional misconduct or may be incompetent or incapacitated, the Committee may disclose the name of the member and allegations against the member to the Executive Committee. Referrals to
Executive
Committee

(4) Information that was disclosed contrary to subsection (1) shall not be used against the member to whom it relates in a proceeding before the Discipline or Fitness to Practise Committees. Confidential
information
not to be
used in other
Committees

MISCELLANEOUS

Right to use
French

82.—(1) A person has the right to use French in all dealings with the College.

Council to
ensure right

(2) The Council shall take all reasonable measures and make all reasonable plans to ensure that persons may use French in all dealings with the College.

Definition

(3) In this section, “dealings” means any service or procedure available to the public or to members and includes giving or receiving communications, information or notices, making applications, taking examinations or tests and participating in programs or in hearings or reviews.

Limitation

(4) A person’s right under subsection (1) is subject to the limits that are reasonable in the circumstances.

Injunctions

1990, c. ...

83. The College may apply to the Ontario Court (General Division) for an order directing a person to comply with a provision of this Act, the *Health Professions Regulation Act, 1990* or the regulations under those Acts.

Evidence of
Registrar

84. A statement purporting to be certified by the Registrar under the seal of the College as a statement of information from the records kept by the Registrar in the course of his or her duties is admissible in court as proof, in the absence of evidence to the contrary, of the information in it without proof of the Registrar’s appointment or signature or of the seal of the College.

Limitation
period

85.—(1) No person who is or was a member is liable to any action arising out of negligence or malpractice in respect of professional services requested of or rendered by the person unless the action is commenced within one year after the date when the person commencing the action knew or ought to have known the fact or facts upon which the negligence or malpractice is alleged.

Transition

(2) During the first year this section is in force, it does not operate to shorten the time period, provided by statutory law as it was immediately before this section comes into force, during which an action could be brought.

Reporting of
members

86.—(1) A person who terminates the employment or revokes, suspends or imposes restrictions on the privileges of a member or who dissolves a partnership or association with a member for reasons of professional misconduct, incompetence or incapacity shall file with the Registrar within thirty days

after the termination, revocation, suspension, imposition or dissolution a written report setting out the reasons.

(2) This section applies to every person, other than a patient, who employs or offers privileges to a member or associates in partnership or otherwise with a member for the purpose of offering health services. Application

(3) No action or other proceeding shall be instituted against a person for making a report in good faith under this section. Immunity for reports

87.—(1) A notice or a decision to be given under this Act or the regulations to a person may be given by mail. Service by mail

(2) If a notice or decision under this Act or the regulations is sent by prepaid first class mail addressed to the person at the person's last known address, there is a rebuttable presumption that the notice was received by the person on the fifth day after the notice was mailed. Idem

88.—(1) Every person who makes a representation, knowing it to be false, for the purpose of having a certificate of registration issued is guilty of an offence and on conviction is liable to a fine of not more than \$10,000. Making false representations to obtain certificates

(2) Every person who knowingly assists a person in committing an offence under subsection (1) is guilty of an offence and on conviction is liable to a fine of not more than \$10,000. Assisting the making of false representation

89.—(1) Every person who contravenes an order made under subsection 44 (2) is guilty of an offence and on conviction is liable to a fine of not more than \$10,000 for a first offence and not more than \$20,000 for a subsequent offence. Offence

(2) Every person who contravenes subsection 74 (3) is guilty of an offence and on conviction is liable to a fine of not more than \$10,000. Idem

(3) Every person who contravenes subsection 80 (2) or 86 (1) is guilty of an offence and on conviction is liable to a fine of not more than \$5,000 for a first offence or not more than \$10,000 for a subsequent offence. Idem

90.—(1) The Council may make by-laws relating to the administrative and internal affairs of the College and, without limiting the generality of the foregoing, the Council may make by-laws, By-laws

(a) adopting a seal for the College;

- (b) providing for the execution of documents by the College;
- (c) respecting banking and finance;
- (d) fixing the financial year of the College and providing for the audit of the accounts and transactions of the College;
- (e) providing procedures for the election of the President and Vice-President of the College, the selection of the chairs of the committees, the filling of a vacancy in those offices, and setting out the duties and powers of the President, Vice-President and the chairs;
- (f) respecting the calling, holding and conducting of the Council meetings and respecting the duties of the Council's members;
- (g) respecting the calling, holding and conducting of meetings of the members;
- (h) providing for the remuneration of the members of the Council and committees other than persons appointed by the Lieutenant Governor in Council and for the payment of the expenses of the Council and committees in the conduct of their business;
- (i) providing for the appointment, composition, powers and duties of committees other than the committees required by section 9;
- (j) delegating to the Executive Committee powers and duties of the Council, other than the power to make, amend or revoke regulations and by-laws;
- (k) providing for a code of ethics for the members;
- (l) providing for the appointment of inspectors for the purposes of regulations made under paragraph 16 of subsection 91 (1);
- (m) providing procedures for the making, amending and revoking of by-laws;
- (n) prescribing forms and providing for their use;
- (o) respecting the management of the property of the College;

- (p) authorizing the College to make arrangements for the indemnity of members against professional liability and providing levies to be paid by members;
- (q) respecting membership of the College in a national organization of bodies with similar functions, the payment of annual assessments and representation at meetings; and
- (r) authorizing the making of grants to advance scientific knowledge or the education of persons wishing to practise the profession, to maintain or improve the standards of practice of the profession or to provide public information about, and encourage interest in, the past and present role of the profession in society.

(2) A by-law made under clause (1) (f) or (g) may provide for meetings to be held in any manner that allows all the persons participating to communicate with each other simultaneously and instantaneously.

Meetings by telecommunications, etc.

(3) A copy of the by-laws made by the Council shall be given to the Minister and to each member and shall be available for public inspection in the office of the College.

Copies of by-laws

(4) A by-law or resolution signed by all the members of the Council is as valid and effective as if passed at a meeting of the Council called, constituted and held for the purpose.

Unanimous by-laws and resolutions

91.—(1) Subject to the approval of the Lieutenant Governor in Council and with prior review by the Minister, the Council may make regulations,

Regulations

1. respecting the qualifications, nomination, election and terms of office of Council members who are elected;
2. prescribing conditions disqualifying elected members from sitting on the Council and governing the filling of vacancies on the Council;
3. respecting the qualifications, appointment and terms of office of committee members who are not members of the Council;
4. respecting the filling of vacancies on the Council;

5. prescribing classes of certificates of registration and imposing terms, conditions and limitations on the certificates of registration of a class;
6. respecting the issuing, suspension, revocation and expiration of certificates of registration or classes of them;
7. prescribing standards and qualifications for the issue of certificates of registration;
8. prescribing registration requirements as non-exemptible requirements;
9. defining specialties in the profession, providing for certificates relating to those specialties, the qualifications for and suspension and revocation of those certificates and governing the use of prescribed terms, titles or designations by members indicating a specialization in the profession;
10. requiring, for purposes associated with the registration of members, the successful completion of examinations as set, from time to time, by the College, other persons or associations of persons;
11. respecting the maintenance of the register kept by the Registrar, prescribing information as information to be kept in the register, designating information kept in the register as public and providing for the issuing of certificates respecting the information contained in the register;
12. respecting the reporting and publication of decisions of panels;
13. prescribing the standards of practice of the profession and prohibiting members from acting beyond the scope of practice of the profession in the course of practising the profession;
14. respecting the promotion or advertising of the practice of the profession;
15. requiring members to keep prescribed records in respect of their practices;
16. requiring and providing for the inspection and examination of premises used in connection with the practice of the profession and of equipment,

- books, accounts, reports and records of members relating to their practices;
17. prescribing what constitutes a conflict of interest in the practice of the profession and regulating or prohibiting the practice of the profession in cases in which there is a conflict of interest;
 18. prescribing what constitutes a conflict of interest for members of the Council or a committee and regulating or prohibiting the carrying out of the duties of those members in cases in which there is a conflict of interest;
 19. providing for a meeting of a Committee or a panel that is held for any purpose other than for the conducting of a hearing to be held in any manner that allows all the persons participating to communicate with each other simultaneously and instantaneously;
 20. defining professional misconduct for the purpose of clause 49 (1) (c);
 21. prescribing a quality assurance program;
 22. regulating or prohibiting the use of terms, titles and designations by members in respect of their practices;
 23. providing for the compilation of statistical information with respect to services provided by members and requiring members to provide the information necessary for the compilation;
 24. requiring members to give the College information about the location of the places they practise the profession, the services they provide there and the names, addresses and telephone numbers of their associates, partners and employees and prescribing the form and manner in which the information shall be given;
 25. requiring members to give the College information about their participation in continuing education programs and prescribing the form and manner in which the information shall be given;
 26. respecting the duties and office of the Registrar;

27. requiring members to pay prescribed annual fees and prescribed fees for registration, examinations and continuing education programs and for anything the Registrar is required or authorized to do and requiring members to pay prescribed penalties for the late payment of any fee;
28. providing for the exemption of any member from the regulations made by the Council;
29. requiring members to have professional liability insurance satisfying prescribed requirements and to give proof of the insurance to the Registrar in the prescribed manner;
30. respecting the designation of life or honorary members of the College and prescribing their rights and privileges;
31. respecting the giving of notice of meetings and hearings that are to be open to the public;
32. prescribing anything that is referred to in this Act as being prescribed;
33. prescribing forms for the purposes of this Act and providing for their use.

Idem

(2) Regulations made under paragraph 21 of subsection (1) may require members to participate in continuing education programs.

Scope of
regulations

(3) A regulation may be general or particular in its application.

Bill 179

An Act respecting the regulation of the Professions of Audiology and Speech-Language Pathology

The Hon. E. Caplan
Minister of Health



1st Reading June 6th, 1990
2nd Reading
3rd Reading
Royal Assent

EXPLANATORY NOTE

The Bill provides for the regulation of the professions of audiology and speech-language pathology by the College of Audiologists and Speech-Language Pathologists of Ontario which is established. The Health Professions Procedural Code, which contains the main procedural provisions applicable in regulating the professions, is deemed to be part of the Bill in subsection 2 (1). Section 4 sets out the controlled acts that audiologists are authorized to perform. Section 15 restricts the use of the title "audiologist" or "speech-language pathologist" to members. The remainder of the Bill relates to the internal working of the College and the regulation of the professions of audiology and speech-language pathology.

Bill 179

1990

**An Act respecting the regulation of the
Professions of Audiology and Speech-Language
Pathology**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Definitions

“College” means the College of Audiologists and Speech-Language Pathologists of Ontario;

“Health Professions Procedural Code” means the Health Professions Procedural Code set out in Schedule 2 to the *Health Professions Regulation Act, 1990*;

1990, c. ...

“profession” means the professions of audiology and speech-language pathology;

“this Act” includes the Health Professions Procedural Code.

2.—(1) The Health Professions Procedural Code is deemed to be part of this Act.

Health
Professions
Procedural
Code part of
this Act

(2) In the Health Professions Procedural Code as it applies in respect of this Act,

Terms in
Code

“profession” means the professions of audiology and speech-language pathology;

“this Act” means this Act and the Health Professions Procedural Code.

(3) Definitions in the Health Professions Procedural Code apply with necessary modifications to terms in this Act.

Definitions in
Code

3.—(1) The practice of audiology is the assessment of auditory function and the treatment of auditory dysfunction to

Scope of
practice

develop, maintain, rehabilitate or augment auditory and communicative functions.

Idem

(2) The practice of speech-language pathology is the assessment of speech and language functions and the treatment and prevention of speech and language dysfunctions or disorders to develop, maintain, rehabilitate or augment oral motor or communicative functions.

Authorized
acts

4. In the course of engaging in the practice of audiology, a member is authorized, subject to the terms, conditions and limitations imposed on his or her certificate of registration, to prescribe a hearing aid for a hearing impaired person.

College
established

5. The College of Audiologists and Speech-Language Pathologists of Ontario is established.

Council

6.—(1) The Council shall be composed of,

(a) at least six and no more than ten persons who are members elected in the prescribed manner;

(b) at least four and no more than six persons appointed by the Lieutenant Governor in Council who are not,

(i) members,

(ii) members of a College as defined in the *Health Professions Regulation Act, 1990*, or

(iii) members of a Council as defined in the *Health Professions Regulation Act, 1990*; and

(c) two persons selected in the prescribed manner from among members who are members of a faculty of audiology or speech-language pathology of a university in Ontario.

Who can
vote in
elections

(2) Subject to the regulations, every member who practises or resides in Ontario and who is not in default of payment of the annual membership fee is entitled to vote in an election of members of the Council.

President and
Vice-
President

7. The Council shall have a President and Vice-President who shall be elected annually by the Council from among the Council's members.

Executive
Committee

8.—(1) The Executive Committee shall be composed of,

- (a) the President and Vice-President of the Council;
- (b) two members of the Council who are members of the College; and
- (c) one member of the Council appointed to the Council by the Lieutenant Governor in Council.

(2) The President of the Council shall be the chair of the Executive Committee. President to be chair

9. The Registration Committee shall be composed of, Registration Committee

- (a) two members of the Council who are members of the College;
- (b) one member of the Council appointed to the Council by the Lieutenant Governor in Council; and
- (c) two members.

10. The Complaints Committee shall be composed of, Complaints Committee

- (a) two members of the Council who are members of the College;
- (b) one member of the Council appointed to the Council by the Lieutenant Governor in Council; and
- (c) two members.

11. The Discipline Committee shall be composed of, Discipline Committee

- (a) three members of the Council who are members of the College;
- (b) two members of the Council appointed to the Council by the Lieutenant Governor in Council; and
- (c) five members.

12. The Fitness to Practise Committee shall be composed of, Fitness to Practise Committee

- (a) two members of the Council who are members of the College;
- (b) one member of the Council appointed to the Council by the Lieutenant Governor in Council; and

- (c) two members.

Quality
Assurance
Committee

13. The Quality Assurance Committee shall be composed of,

- (a) two members of the Council who are members of the College;
- (b) one member of the Council appointed to the Council by the Lieutenant Governor in Council; and
- (c) two members.

Appointment
of committee
members by
Council

14. The Council shall appoint the members of the committees mentioned in sections 8 to 13.

Restricted
titles

15.—(1) No person other than a member shall use the titles “audiologist” or “speech-language pathologist”, a variation or abbreviation of them or their equivalents in another language in the course of providing or offering to provide, in Ontario, health care to individuals.

Represent-
ations of
qualification,
etc.

(2) No person other than a member shall hold himself or herself out as a person who is qualified to practise in Ontario as an audiologist or a speech-language pathologist or in a specialty of audiology or speech-language pathology.

Notice if
suggestions
referred to
Advisory
Council
1990, c. ...

16.—(1) The Registrar shall give a notice to each member if the Minister refers to the Advisory Council, as defined in the *Health Professions Regulation Act, 1990*, a suggested,

- (a) amendment to this Act;
- (b) amendment to a regulation made by the Council; or
- (c) regulation to be made by the Council.

Requirements
re notice

(2) A notice mentioned in subsection (1) shall set out the suggestion referred to the Advisory Council and the notice shall be given within thirty days after the Council of the College receives the Minister’s notice of the suggestion.

Offence

17. Every person who contravenes subsection 15 (1) or (2) is guilty of an offence and on conviction is liable to a fine of not more than \$5,000 for a first offence or not more than \$10,000 for a subsequent offence.

Regulations

18. Subject to the approval of the Lieutenant Governor in Council and with prior review by the Minister, the College may make regulations,

(a) respecting the qualifications, selection and terms of office of Council members who are selected; and

(b) respecting the delegation to members of controlled acts set out in subsection 26 (2) of the *Health Professions Regulation Act, 1990*. 1990, c. ...

19.—(1) The Lieutenant Governor in Council may appoint a transitional Council. Transition before Act comes into force

(2) After this Act receives Royal Assent but before it comes into force, the transitional Council and its employees and committees may do anything that is necessary or advisable for the coming into force of this Act and that the Council and its employees and committees could do under this Act if it were in force. Powers of transitional Council before Act in force

(3) Without limiting the generality of subsection (2), the transitional Council may appoint a Registrar and the Registrar and the Council's committees may accept and process applications for the issue of certificates of registration, charge application fees and issue certificates of registration. Idem

(4) The Minister may, Powers of Minister

(a) review the transitional Council's activities and require the transitional Council to provide reports and information;

(b) require the transitional Council to make, amend or revoke a regulation under this Act;

(c) require the transitional Council to do anything that, in the opinion of the Minister, is necessary or advisable to carry out the intent of this Act and the *Health Professions Regulation Act, 1990*. 1990, c. ...

(5) If the Minister has required the transitional Council to do anything under subsection (4), the transitional Council shall, within the time and in the manner specified by the Minister, comply with the requirement and submit a report. Transitional Council to comply with Minister's request

(6) If the Minister requires the transitional Council to make, amend or revoke a regulation under clause (4) (b) and the transitional Council does not do so within sixty days, the Lieutenant Governor in Council may make, amend or revoke the regulation. Regulations

Idem	(7) Subsection (6) does not give the Lieutenant Governor in Council authority to do anything that the transitional Council does not have authority to do.
Minister may pay expenses	(8) The Minister may pay the transitional Council for expenses incurred in complying with a requirement under subsection (4).
Transition after Act comes into force	20. —(1) After this Act comes into force, the transitional Council shall be the Council of the College if it is constituted in accordance with subsection 6 (1) or, if it is not, it shall be deemed to be the Council of the College until a new Council is constituted in accordance with subsection 6 (1) or until one year has elapsed, whichever comes first.
Terms of members of transitional Council	(2) The term of a member of the transitional Council shall not expire while the transitional Council is deemed to be the Council of the College.
Composition of committees of transitional Council	(3) Sections 8 to 13 do not apply to committees of the transitional Council.
Commencement	21. —(1) This Act, except section 19, comes into force on a day to be named by proclamation of the Lieutenant Governor.
Idem	(2) Section 19 comes into force on the day this Act receives Royal Assent.
Idem	(3) Despite subsection (1), section 78 of the Health Professions Procedural Code, as it applies in respect of this Act, does not come into force until three years after this Act comes into force.
Short title	22. The short title of this Act is the <i>Audiology and Speech-Language Pathology Act, 1990</i> .

Bill 180

An Act respecting the regulation of the Profession of Chiropody

The Hon. E. Caplan
Minister of Health



1st Reading June 6th, 1990
2nd Reading
3rd Reading
Royal Assent

EXPLANATORY NOTE

The Bill provides for the regulation of the profession of chiropody by the College of Chiropodists of Ontario. The Board of Regents appointed under the *Chiropody Act* is continued as the College. The Health Professions Procedural Code, which contains the main procedural provisions applicable in regulating the profession, is deemed to be part of the Bill in subsection 2 (1). Section 5 sets out the controlled acts that members of the College are authorized to perform. Section 17 restricts the use of the titles "chiropodist" and "podiatrist" to members. The remainder of the Bill relates to the internal working of the College and the regulation of the profession of chiropody.

Bill 180

1990

An Act respecting the regulation of the Profession of Chiropody

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Definitions

“College” means the College of Chiropodists of Ontario;

“Health Professions Procedural Code” means the Health Professions Procedural Code set out in Schedule 2 to the *Health Professions Regulation Act, 1990*;

1990, c. ...

“profession” means the profession of chiropody;

“this Act” includes the Health Professions Procedural Code.

2.—(1) The Health Professions Procedural Code is deemed to be part of this Act.

Health
Professions
Procedural
Code part of
this Act

(2) In the Health Professions Procedural Code as it applies in respect of this Act,

Terms in
Code

“profession” means the profession of chiropody;

“this Act” means this Act and the Health Professions Procedural Code.

(3) Definitions in the Health Professions Procedural Code apply with necessary modifications to terms in this Act.

Definitions in
Code

3.—(1) There shall be a class of members called podiatrists.

Podiatrists

(2) No person shall be added to the class of members called podiatrists after the 31st day of July, 1993.

Limitation on
class

Scope of
practice

4. The practice of chiropody is the assessment of the foot and the treatment and prevention of diseases, dysfunctions or disorders of the foot by therapeutic, orthotic or palliative means.

Authorized
acts

5.—(1) In the course of engaging in the practice of chiropody, a member is authorized, subject to the terms, conditions and limitations imposed on his or her certificate of registration, to perform the following:

1. Cutting into subcutaneous tissue to treat dysfunctions of the foot.
2. Administering substances by injection into feet.
3. Prescribing drugs.

Idem

(2) In the course of engaging in the practice of chiropody, a member who is a podiatrist is authorized, subject to the terms, conditions and limitations imposed on his or her certificate of registration, to perform the following:

1. Communicating a conclusion identifying a dysfunction of the foot.
2. Cutting into tissues of the foot.
3. Administering substances by injection into feet.
4. Prescribing drugs.

Board
continued as
College
R.S.O. 1980,
c. 72
Council

6. The Board of Regents appointed under the *Chiropody Act* is continued as the College of Chiropodists of Ontario.

7.—(1) The Council shall be composed of,

- (a) at least seven and no more than ten persons who are members elected in the prescribed manner;
- (b) at least four and no more than six persons appointed by the Lieutenant Governor in Council who are not,
 - (i) members,
 - (ii) members of a College as defined in the *Health Professions Regulation Act, 1990*, or

(iii) members of a Council as defined in the *Health Professions Regulation Act, 1990*; and 1990, c. ...

- (c) one or two persons selected in the prescribed manner from among members who are faculty members of an educational institution in Ontario that is authorized to grant diplomas or degrees in chiropody.

(2) Subject to the regulations, every member who practises or resides in Ontario and who is not in default of payment of the annual membership fee is entitled to vote in an election of members of the Council. Who can vote in elections

8. The Council shall have a President and Vice-President who shall be elected annually by the Council from among the Council's members. President and Vice-President

9.—(1) The Executive Committee shall be composed of, Executive Committee

- (a) the President and Vice-President of the Council;
- (b) one member of the Council who is a member of the College; and
- (c) one member of the Council appointed to the Council by the Lieutenant Governor in Council.

(2) The President of the Council shall be the chair of the Executive Committee. President to be chair

10. The Registration Committee shall be composed of, Registration Committee

- (a) two members of the Council who are members of the College; and
- (b) one member of the Council appointed to the Council by the Lieutenant Governor in Council.

11. The Complaints Committee shall be composed of, Complaints Committee

- (a) two members of the Council who are members of the College; and
- (b) one member of the Council appointed to the Council by the Lieutenant Governor in Council.

12. The Discipline Committee shall be composed of, Discipline Committee

- (a) three members of the Council who are members of the College;
- (b) two members of the Council appointed to the Council by the Lieutenant Governor in Council; and
- (c) two members.

Fitness to
Practise
Committee

13. The Fitness to Practise Committee shall be composed of,

- (a) two members of the Council who are members of the College; and
- (b) one member of the Council appointed to the Council by the Lieutenant Governor in Council.

Quality
Assurance
Committee

14. The Quality Assurance Committee shall be composed of,

- (a) two members of the Council who are members of the College;
- (b) one member of the Council appointed to the Council by the Lieutenant Governor in Council; and
- (c) two members.

Appointment
of committee
members by
Council

15. The Council shall appoint the members of the committees mentioned in sections 9 to 14.

Imposition of
duties on the
Chiropractic
Review
Committee
R.S.O. 1980,
c. 197

16. The Council may give the Chiropractic Review Committee appointed under the *Health Insurance Act* duties that are not inconsistent with the Committee's duties under that Act.

Restricted
titles

17.—(1) No person other than a member shall use the titles "chiropractist" or "podiatrist", a variation or abbreviation of them or their equivalents in another language in the course of providing or offering to provide, in Ontario, health care to individuals.

Representations
of
qualification,
etc.

(2) No person other than a member shall hold himself or herself out as a person who is qualified to practise in Ontario as a chiropractist or podiatrist or in a specialty of chiropractic.

Notice if
suggestions
referred to
Advisory
Council
1990, c. ...

18.—(1) The Registrar shall give a notice to each member if the Minister refers to the Advisory Council, as defined in the *Health Professions Regulation Act, 1990*, a suggested,

- (a) amendment to this Act;
- (b) amendment to a regulation made by the Council; or
- (c) regulation to be made by the Council.

(2) A notice mentioned in subsection (1) shall set out the suggestion referred to the Advisory Council and the notice shall be given within thirty days after the Council of the College receives the Minister's notice of the suggestion.

Requirements
re notice

19. Every person who contravenes subsection 17 (1) or (2) is guilty of an offence and on conviction is liable to a fine of not more than \$5,000 for a first offence or not more than \$10,000 for a subsequent offence.

Offence

20. Subject to the approval of the Lieutenant Governor in Council and with prior review by the Minister, the College may make regulations,

Regulations

- (a) restricting the substances that may be administered by injection and the drugs that may be prescribed by members in the course of engaging in the practice of chiroprody;
- (b) respecting the qualifications, number, selection and terms of office of Council members who are selected; and
- (c) respecting the delegation by or to members of controlled acts set out in subsection 26 (2) of the *Health Professions Regulation Act, 1990*.

1990, c. ...

21. A person who, on the day before this Act comes into force, is registered as a chiroprapist under the *Chiroprapist Act*, being chapter 72 of the Revised Statutes of Ontario, 1980, is deemed to be the holder of a certificate of registration issued under this Act subject to any term, condition or limitation to which the registration was subject.

Transition

22.—(1) The transitional Council is the Board of Regents appointed under the *Chiroprapist Act*, being chapter 72 of the Revised Statutes of Ontario, 1980, as the Board exists from time to time between the day this Act receives Royal Assent and the day it comes into force.

Transition
before Act
comes into
force

(2) After this Act receives Royal Assent but before it comes into force, the transitional Council and its employees and committees may do anything that is necessary or advisable for the coming into force of this Act and that the Council and

Powers of
transitional
Council
before Act in
force

its employees and committees could do under this Act if it were in force.

Idem

(3) Without limiting the generality of subsection (2), the transitional Council may appoint a Registrar and the Registrar and the Council's committees may accept and process applications for the issue of certificates of registration, charge application fees and issue certificates of registration.

Powers of
Minister

(4) The Minister may,

(a) review the transitional Council's activities and require the transitional Council to provide reports and information;

(b) require the transitional Council to make, amend or revoke a regulation under this Act;

(c) require the transitional Council to do anything that, in the opinion of the Minister, is necessary or advisable to carry out the intent of this Act and the *Health Professions Regulation Act, 1990*.

1990, c. ...

Transitional
Council to
comply with
Minister's
request

(5) If the Minister has required the transitional Council to do anything under subsection (4), the transitional Council shall, within the time and in the manner specified by the Minister, comply with the requirement and submit a report.

Regulations

(6) If the Minister requires the transitional Council to make, amend or revoke a regulation under clause (4) (b) and the transitional Council does not do so within sixty days, the Lieutenant Governor in Council may make, amend or revoke the regulation.

Idem

(7) Subsection (6) does not give the Lieutenant Governor in Council authority to do anything that the transitional Council does not have authority to do.

Minister may
pay expenses

(8) The Minister may pay the transitional Council for expenses incurred in complying with a requirement under subsection (4).

Transition
after Act
comes into
force

23.—(1) After this Act comes into force, the transitional Council shall be the Council of the College if it is constituted in accordance with subsection 7 (1) or, if it is not, it shall be deemed to be the Council of the College until a new Council is constituted in accordance with subsection 7 (1) or until one year has elapsed, whichever comes first.

(2) The term of a member of the transitional Council shall not expire while the transitional Council is deemed to be the Council of the College.

Terms of members of transitional Council

(3) The Lieutenant Governor in Council may appoint persons to fill vacancies on the transitional Council.

Vacancies

(4) Sections 9 to 14 do not apply to committees of the transitional Council.

Composition of committees of transitional Council

24.—(1) This Act, except section 22, comes into force on a day to be named by proclamation of the Lieutenant Governor.

Commencement

(2) Section 22 comes into force on the day this Act receives Royal Assent.

Idem

(3) Despite subsection (1), section 78 of the Health Professions Procedural Code, as it applies in respect of this Act, does not come into force until three years after this Act comes into force.

Idem

25. The short title of this Act is the *Chiropody Act, 1990*.

Short title

2ND SESSION, 34TH LEGISLATURE, ONTARIO

39 ELIZABETH II, 1990

Bill 181

An Act respecting the regulation of the Profession of Chiropractic

The Hon. E. Caplan
Minister of Health



1st Reading June 6th, 1990
2nd Reading
3rd Reading
Royal Assent

EXPLANATORY NOTE

The Bill provides for the regulation of the profession of chiropractic by the College of Chiropractors of Ontario. The Board of Directors of Chiropractic is continued as the College. The Health Professions Procedural Code, which contains the main procedural provisions applicable in regulating the profession, is deemed to be part of the Bill in subsection 2 (1). Section 4 sets out the controlled acts that members of the College are authorized to perform. Section 16 restricts the use of the title "chiropractor" to members. The remainder of the Bill relates to the internal working of the College and the regulation of the profession of chiropractic.

Bill 181

1990

An Act respecting the regulation of the Profession of Chiropractic

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Definitions

“College” means the College of Chiropractors of Ontario;

“Health Professions Procedural Code” means the Health Professions Procedural Code set out in Schedule 2 to the *Health Professions Regulation Act, 1990*;

1990, c. ...

“profession” means the profession of chiropractic;

“this Act” includes the Health Professions Procedural Code.

2.—(1) The Health Professions Procedural Code is deemed to be part of this Act.

Health
Professions
Procedural
Code part of
this Act

(2) In the Health Professions Procedural Code as it applies in respect of this Act,

Terms in
Code

“profession” means the profession of chiropractic;

“this Act” means this Act and the Health Professions Procedural Code.

(3) Definitions in the Health Professions Procedural Code apply with necessary modifications to terms in this Act.

Definitions in
Code

3. The practice of chiropractic is the assessment of conditions related to the spine, nervous system and joints of the extremities and the diagnosis, treatment and prevention of dysfunctions or disorders arising from the structures or functions of the spine and the effects of those dysfunctions or dis-

Scope of
practice

orders on the nervous system, primarily by the adjustment of the spinal column or other joints to enhance function.

Authorized
acts

4. In the course of engaging in the practice of chiropractic, a member is authorized, subject to the terms, conditions and limitations imposed on his or her certificate of registration, to perform the following:

1. Communicating a conclusion, identifying a dysfunction or disorder arising from the structures or functions of the spine and their effects on the nervous system as the cause of a person's symptoms.
2. Moving the joints of the spine beyond a person's usual physiological range of motion using a fast, low amplitude thrust.

Board
continued as
College

5. The Board of Directors of Chiropractic is continued as the College of Chiropractors of Ontario.

Council

6.—(1) The Council shall be composed of,

- (a) at least eight and no more than twelve persons who are members elected in the prescribed manner; and
- (b) at least four and no more than six persons appointed by the Lieutenant Governor in Council who are not,

(i) members,

(ii) comments of a College as defined in the *Health Professions Regulation Act, 1990*, or

(iii) members of a Council as defined in the *Health Professions Regulation Act, 1990*.

1990, c. ...

Who can
vote in
elections

(2) Subject to the regulations, every member who practises or resides in Ontario and who is not in default of payment of the annual membership fee is entitled to vote in an election of members of the Council.

President and
Vice-
President

7. The Council shall have a President and Vice-President who shall be elected annually by the Council from among the Council's members.

Executive
Committee

8.—(1) The Executive Committee shall be composed of,

- (a) the President and Vice-President of the Council;

- (b) two members of the Council who are members of the College; and
- (c) one member of the Council appointed to the Council by the Lieutenant Governor in Council.

(2) The President of the Council shall be the chair of the Executive Committee. President to be chair

9. The Registration Committee shall be composed of, Registration Committee

- (a) two members of the Council who are members of the College; and
- (b) one member of the Council appointed to the Council by the Lieutenant Governor in Council.

10. The Complaints Committee shall be composed of, Complaints Committee

- (a) two members of the Council who are members of the College;
- (b) one member of the Council appointed to the Council by the Lieutenant Governor in Council; and
- (c) one member.

11. The Discipline Committee shall be composed of, Discipline Committee

- (a) three members of the Council who are members of the College;
- (b) two members of the Council appointed to the Council by the Lieutenant Governor in Council; and
- (c) two members.

12. The Fitness to Practise Committee shall be composed of, Fitness to Practise Committee

- (a) two members of the Council who are members of the College; and
- (b) one member of the Council appointed to the Council by the Lieutenant Governor in Council.

13. The Quality Assurance Committee shall be composed of, Quality Assurance Committee

- (a) two members of the Council who are members of the College;
- (b) one member of the Council appointed to the Council by the Lieutenant Governor in Council; and
- (c) two members.

Appointment of committee members by Council

14. The Council shall appoint the members of the committees mentioned in sections 8 to 13.

Imposition of duties on the Chiropractic Review Committee
R.S.O. 1980, c. 197

15. The Council may give the Chiropractic Review Committee continued under the *Health Insurance Act* duties that are not inconsistent with the Committee's duties under that Act.

Restricted titles

16.—(1) No person other than a member shall use the title "chiropractor", a variation or abbreviation of it or its equivalent in another language in the course of providing or offering to provide, in Ontario, health care to individuals.

Representations of qualification, etc.

(2) No person other than a member shall hold himself or herself out as a person who is qualified to practise in Ontario as a chiropractor or in a specialty of chiropractic.

Notice if suggestions referred to Advisory Council
1990, c. ...

17.—(1) The Registrar shall give a notice to each member if the Minister refers to the Advisory Council, as defined in the *Health Professions Regulation Act, 1990*, a suggested,

- (a) amendment to this Act;
- (b) amendment to a regulation made by the Council; or
- (c) regulation to be made by the Council.

Requirements re notice

(2) A notice mentioned in subsection (1) shall set out the suggestion referred to the Advisory Council and the notice shall be given within thirty days after the Council of the College receives the Minister's notice of the suggestion.

Offence

18. Every person who contravenes subsection 16 (1) or (2) is guilty of an offence and on conviction is liable to a fine of not more than \$5,000 for a first offence or not more than \$10,000 for a subsequent offence.

Transitional

19. A person who, on the day before this Act comes into force, is registered as a chiropractor under the *Drugless Practitioners Act*, being chapter 127 of the Revised Statutes of Ontario, 1980, is deemed to be the holder of a certificate of

registration issued under this Act subject to any term, condition or limitation to which the registration was subject.

20.—(1) The transitional Council is the Board of Directors of Chiropractic as it exists from time to time between the day this Act receives Royal Assent and the day it comes into force. Transition before Act comes into force

(2) After this Act receives Royal Assent but before it comes into force, the transitional Council and its employees and committees may do anything that is necessary or advisable for the coming into force of this Act and that the Council and its employees and committees could do under this Act if it were in force. Powers of transitional Council before Act in force

(3) Without limiting the generality of subsection (2), the transitional Council may appoint a Registrar and the Registrar and the Council's committees may accept and process applications for the issue of certificates of registration, charge application fees and issue certificates of registration. Idem

(4) The Minister may, Powers of Minister

(a) review the transitional Council's activities and require the transitional Council to provide reports and information;

(b) require the transitional Council to make, amend or revoke a regulation under this Act;

(c) require the transitional Council to do anything that, in the opinion of the Minister, is necessary or advisable to carry out the intent of this Act and the *Health Professions Regulation Act, 1990*. 1990, c. ...

(5) If the Minister has required the transitional Council to do anything under subsection (4), the transitional Council shall, within the time and in the manner specified by the Minister, comply with the requirement and submit a report. Transitional Council to comply with Minister's request

(6) If the Minister requires the transitional Council to make, amend or revoke a regulation under clause (4) (b) and the transitional Council does not do so within sixty days, the Lieutenant Governor in Council may make, amend or revoke the regulation. Regulations

(7) Subsection (6) does not give the Lieutenant Governor in Council authority to do anything that the transitional Council does not have authority to do. Idem

Minister may
pay expenses

(8) The Minister may pay the transitional Council for expenses incurred in complying with a requirement under subsection (4).

Transition
after Act
comes into
force

21.—(1) After this Act comes into force, the transitional Council shall be the Council of the College if it is constituted in accordance with subsection 6 (1) or, if it is not, it shall be deemed to be the Council of the College until a new Council is constituted in accordance with subsection 6 (1) or until one year has elapsed, whichever comes first.

Terms of
members of
transitional
Council

(2) The term of a member of the transitional Council shall continue for as long as the transitional Council is deemed to be the Council of the College.

Vacancies

(3) The Lieutenant Governor in Council may appoint persons to fill vacancies on the transitional Council.

Composition
of
committees
of transi-
tional
Council

(4) Sections 8 to 13 do not apply to committees of the transitional Council.

Commence-
ment

22.—(1) This Act, except section 20, comes into force on a day to be named by proclamation of the Lieutenant Governor.

Idem

(2) Section 20 comes into force on the day this Act receives Royal Assent.

Idem

(3) Despite subsection (1), section 78 of the Health Professions Procedural Code, as it applies in respect of this Act, does not come into force until three years after this Act comes into force.

Short title

23. The short title of this Act is the *Chiropractic Act, 1990*.

Bill 182

An Act respecting the regulation of the Profession of Dental Hygiene

The Hon. E. Caplan
Minister of Health



1st Reading June 6th, 1990
2nd Reading
3rd Reading
Royal Assent

EXPLANATORY NOTE

The Bill provides for the regulation of the profession of dental hygiene by the College of Dental Hygienists of Ontario which is established. The Health Professions Procedural Code, which contains the main procedural provisions applicable in regulating the profession, is deemed to be part of the Bill in subsection 2 (1). Section 4 sets out the controlled acts that members of the College are authorized to perform. Section 15 restricts the use of the title "dental hygienist" to members. The remainder of the Bill relates to the internal working of the College and the regulation of the profession of dental hygiene.

Bill 182

1990

An Act respecting the regulation of the Profession of Dental Hygiene

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Definitions

“College” means the College of Dental Hygienists of Ontario;

“Health Professions Procedural Code” means the Health Professions Procedural Code set out in Schedule 2 to the *Health Professions Regulation Act, 1990*;

1990, c. ...

“profession” means the profession of dental hygiene;

“this Act” includes the Health Professions Procedural Code.

2.—(1) The Health Professions Procedural Code is deemed to be part of this Act.

Health
Professions
Procedural
Code part of
this Act

(2) In the Health Professions Procedural Code as it applies in respect of this Act,

Terms in
Code

“profession” means the profession of dental hygiene;

“this Act” means this Act and the Health Professions Procedural Code.

(3) Definitions in the Health Professions Procedural Code apply with necessary modifications to terms in this Act.

Definitions in
Code

3. The practice of dental hygiene is the assessment of teeth and adjacent tissues and treatment by preventive and therapeutic means and, on the order of a member of the Royal College of Dental Surgeons of Ontario, the provision of restorative and orthodontic procedures and services.

Scope of
practice

Authorized
acts

4. In the course of engaging in the practice of dental hygiene, a member is authorized, subject to the terms, conditions and limitations imposed on his or her certificate of registration, to perform the following:

1. Scaling teeth and root planing including curetting surrounding tissue on the order of a member of the Royal College of Dental Surgeons of Ontario.
2. Orthodontic and restorative procedures on the order of a member of the Royal College of Dental Surgeons of Ontario.

College
established

5. The College of Dental Hygienists of Ontario is established.

Council

6.—(1) The Council shall be composed of,

- (a) at least seven and no more than ten persons who are members elected in the prescribed manner;
- (b) at least four and no more than six persons appointed by the Lieutenant Governor in Council who are not,

(i) members,

(ii) members of a College as defined in the *Health Professions Regulation Act, 1990*, or

1990, c. ...

(iii) members of a Council as defined in the *Health Professions Regulation Act, 1990*; and

- (c) one or two persons selected in the prescribed manner from among members who are faculty members of an educational institution in Ontario that is authorized to grant a diploma or degree in dental hygiene.

Who can
vote in
elections

(2) Subject to the regulations, every member who practises or resides in Ontario and who is not in default of payment of the annual membership fee is entitled to vote in an election of members of the Council.

President and
Vice-
President

7. The Council shall have a President and Vice-President who shall be elected annually by the Council from among the Council's members.

Executive
Committee

8.—(1) The Executive Committee shall be composed of,

- (a) the President and Vice-President of the Council;
- (b) two members of the Council who are members of the College; and
- (c) one member of the Council appointed to the Council by the Lieutenant Governor in Council.

(2) The President of the Council shall be the chair of the Executive Committee. President to be chair

9. The Registration Committee shall be composed of, Registration Committee

- (a) two members of the Council who are members of the College; and
- (b) one member of the Council appointed to the Council by the Lieutenant Governor in Council.

10. The Complaints Committee shall be composed of, Complaints Committee

- (a) two members of the Council who are members of the College;
- (b) one member of the Council appointed to the Council by the Lieutenant Governor in Council; and
- (c) one member.

11. The Discipline Committee shall be composed of, Discipline Committee

- (a) three members of the Council who are members of the College;
- (b) two members of the Council appointed to the Council by the Lieutenant Governor in Council; and
- (c) two members.

12. The Fitness to Practise Committee shall be composed of, Fitness to Practise Committee

- (a) two members of the Council who are members of the College; and
- (b) one member of the Council appointed to the Council by the Lieutenant Governor in Council.

13. The Quality Assurance Committee shall be composed of, Quality Assurance Committee

- (a) two members of the Council who are members of the College;
- (b) one member of the Council appointed to the Council by the Lieutenant Governor in Council; and
- (c) two members.

Appointment
of committee
members by
Council

14. The Council shall appoint the members of the committees mentioned in sections 8 to 13.

Restricted
titles

15.—(1) No person other than a member shall use the title “dental hygienist”, a variation or abbreviation of it or its equivalent in another language in the course of providing or offering to provide, in Ontario, health care to individuals.

Represent-
ations of
qualification,
etc.

(2) No person other than a member shall hold himself or herself out as a person who is qualified to practise in Ontario as a dental hygienist or in a specialty of dental hygiene.

Notice if
suggestions
referred to
Advisory
Council
1990, c. ...

16.—(1) The Registrar shall give a notice to each member if the Minister refers to the Advisory Council, as defined in the *Health Professions Regulation Act, 1990*, a suggested,

- (a) amendment to this Act;
- (b) amendment to a regulation made by the Council; or
- (c) regulation to be made by the Council.

Requirements
re notice

(2) A notice mentioned in subsection (1) shall set out the suggestion referred to the Advisory Council and the notice shall be given within thirty days after the Council of the College receives the Minister’s notice of the suggestion.

Offence

17. Every person who contravenes subsection 15 (1) or (2) is guilty of an offence and on conviction is liable to a fine of not more than \$5,000 for a first offence or not more than \$10,000 for a subsequent offence.

Regulations

18. Subject to the approval of the Lieutenant Governor in Council and with prior review by the Minister, the College may make regulations,

- (a) restricting the drugs that a member may use in the course of engaging in the practice of dental hygiene;
- (b) respecting the qualifications, number, selection and terms of office of Council members who are selected; and

- (c) respecting the delegation to members of controlled acts set out in subsection 26 (2) of the *Health Professions Regulation Act, 1990*. 1990, c. ...

19. A person who, on the day before this Act comes into force, was registered as a dental hygienist under Regulation 446 (Dental Hygienists) of Revised Regulations of Ontario, 1980 made under the *Health Disciplines Act*, being chapter 196 of the Revised Statutes of Ontario, 1980, is deemed to be the holder of a certificate of registration issued under this Act subject to any term, condition or limitation to which the registration was subject. Transitional

20.—(1) The Lieutenant Governor in Council may appoint a transitional Council. Transition before Act comes into force

(2) After this Act receives Royal Assent but before it comes into force, the transitional Council and its employees and committees may do anything that is necessary or advisable for the coming into force of this Act and that the Council and its employees and committees could do under this Act if it were in force. Powers of transitional Council before Act in force

(3) Without limiting the generality of subsection (2), the transitional Council may appoint a Registrar and the Registrar and the Council's committees may accept and process applications for the issue of certificates of registration, charge application fees and issue certificates of registration. Idem

(4) The Minister may, Powers of Minister

- (a) review the transitional Council's activities and require the transitional Council to provide reports and information;
- (b) require the transitional Council to make, amend or revoke a regulation under this Act;
- (c) require the transitional Council to do anything that, in the opinion of the Minister, is necessary or advisable to carry out the intent of this Act and the *Health Professions Regulation Act, 1990*. 1990, c. ...

(5) If the Minister has required the transitional Council to do anything under subsection (4), the transitional Council shall, within the time and in the manner specified by the Minister, comply with the requirement and submit a report. Transitional Council to comply with Minister's request

(6) If the Minister requires the transitional Council to make, amend or revoke a regulation under clause (4) (b) and Regulations

the transitional Council does not do so within sixty days, the Lieutenant Governor in Council may make, amend or revoke the regulation.

Idem

(7) Subsection (6) does not give the Lieutenant Governor in Council authority to do anything that the transitional Council does not have authority to do.

Minister may pay expenses

(8) The Minister may pay the transitional Council for expenses incurred in complying with a requirement under subsection (4).

Transition after Act comes into force

21.—(1) After this Act comes into force, the transitional Council shall be the Council of the College if it is constituted in accordance with subsection 6 (1) or, if it is not, it shall be deemed to be the Council of the College until a new Council is constituted in accordance with subsection 6 (1) or until one year has elapsed, whichever comes first.

Terms of members of transitional Council

(2) The term of a member of the transitional Council shall not expire while the transitional Council is deemed to be the Council of the College.

Composition of committees of transitional Council

(3) Sections 8 to 13 do not apply to committees of the transitional Council.

Commencement

22.—(1) This Act, except section 20, comes into force on a day to be named by proclamation of the Lieutenant Governor.

Idem

(2) Section 20 comes into force on the day this Act receives Royal Assent.

Idem

(3) Despite subsection (1), section 78 of the Health Professions Procedural Code, as it applies in respect of this Act, does not come into force until three years after this Act comes into force.

Short title

23. The short title of this Act is the *Dental Hygiene Act, 1990*.

Bill 183

An Act respecting the regulation of the Profession of Dental Technology

The Hon. E. Caplan
Minister of Health



1st Reading June 6th, 1990

2nd Reading

3rd Reading

Royal Assent

EXPLANATORY NOTE

The Bill provides for the regulation of the profession of dental technology by the College of Dental Technologists of Ontario. The Governing Board of Dental Technicians is continued as the College. The Health Professions Procedural Code, which contains the main procedural provisions applicable in regulating the profession, is deemed to be part of the Bill in subsection 2 (1). Section 14 restricts the use of the titles "dental technologist" and "dental technician". The remainder of the Bill relates to the internal working of the College and the regulation of the profession of dental technology.

Bill 183

1990

An Act respecting the regulation of the Profession of Dental Technology

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Definitions

“College” means the College of Dental Technologists of Ontario;

“Health Professions Procedural Code” means the Health Professions Procedural Code set out in Schedule 2 to the *Health Professions Regulation Act, 1990*;

1990, c. ...

“profession” means the profession of dental technology;

“this Act” includes the Health Professions Procedural Code.

2.—(1) The Health Professions Procedural Code is deemed to be part of this Act.

Health Professions Procedural Code part of this Act

(2) In the Health Professions Procedural Code as it applies in respect of this Act,

Terms in Code

“profession” means the profession of dental technology;

“this Act” means this Act and the Health Professions Procedural Code.

(3) Definitions in the Health Professions Procedural Code apply with necessary modifications to terms in this Act.

Definitions in Code

3. The practice of dental technology is the design, construction, repair or alteration of dental prosthetic, restorative and orthodontic devices on the order of a person authorized, restorative under a health profession Act as defined in the

Scope of practice

1990, c. ... *Health Professions Regulation Act, 1990* to fit or dispense the devices.

Governing
Board
continued as
College
Council

4. The Governing Board of Dental Technicians is continued as the College of Dental Technologists of Ontario.

5.—(1) The Council shall be composed of,

(a) at least eight and no more than twelve persons who are members elected in the prescribed manner; and

(b) at least four and no more than six persons appointed by the Lieutenant Governor in Council who are not,

(i) members,

(ii) members of a College as defined in the *Health Professions Regulation Act, 1990*, or

(iii) members of a Council as defined in the *Health Professions Regulation Act, 1990*.

1990, c. ...

Who can
vote in
elections

(2) Subject to the regulations, every member who practises or resides in Ontario and who is not in default of payment of the annual membership fee is entitled to vote in an election of members of the Council.

President and
Vice-
President

6. The Council shall have a President and Vice-President who shall be elected annually by the Council from among the Council's members.

Executive
Committee

7.—(1) The Executive Committee shall be composed of,

(a) the President and Vice-President of the Council;

(b) two members of the Council who are members of the College; and

(c) one member of the Council appointed to the Council by the Lieutenant Governor in Council.

President to
be chair

(2) The President of the Council shall be the chair of the Executive Committee.

Registration
Committee

8. The Registration Committee shall be composed of,

(a) two members of the Council who are members of the College; and

- (b) one member of the Council appointed to the Council by the Lieutenant Governor in Council.

9. The Complaints Committee shall be composed of, Complaints Committee

- (a) two members of the Council who are members of the College; and
- (b) one member of the Council appointed to the Council by the Lieutenant Governor in Council.

10. The Discipline Committee shall be composed of, Discipline Committee

- (a) three members of the Council who are members of the College;
- (b) two members of the Council appointed to the Council by the Lieutenant Governor in Council; and
- (c) two members.

11. The Fitness to Practise Committee shall be composed of, Fitness to Practise Committee

- (a) two members of the Council who are members of the College; and
- (b) one member of the Council appointed to the Council by the Lieutenant Governor in Council.

12. The Quality Assurance Committee shall be composed of, Quality Assurance Committee

- (a) two members of the Council who are members of the College;
- (b) one member of the Council appointed to the Council by the Lieutenant Governor in Council; and
- (c) two members.

13. The Council shall appoint the members of the committees mentioned in sections 7 to 12. Appointment of committee members by Council

14.—(1) No person other than a member shall use the title “dental technologist”, a variation or abbreviation of it or its equivalent in another language in the course of providing or offering to provide, in Ontario, health care to individuals. Restricted titles

Idem (2) No person shall use the title “dental technician” or a variation or abbreviation of it.

Representations of qualification, etc. (3) No person other than a member shall hold himself or herself out as a person who is qualified to practise in Ontario as a dental technologist or in a specialty of dental technology.

Exception (4) Despite subsection (2), a member may use the title “dental technician” or a variation or abbreviation of it for three years after this Act comes into force.

Notice if suggestions referred to Advisory Council 1990, c. ... **15.**—(1) The Registrar shall give a notice to each member if the Minister refers to the Advisory Council, as defined in the *Health Professions Regulation Act, 1990*, a suggested,

(a) amendment to this Act;

(b) amendment to a regulation made by the Council; or

(c) regulation to be made by the Council.

Requirements re notice (2) A notice mentioned in subsection (1) shall set out the suggestion referred to the Advisory Council and the notice shall be given within thirty days after the Council of the College receives the Minister’s notice of the suggestion.

Offence **16.** Every person who contravenes subsection 14 (1), (2) or (3) is guilty of an offence and on conviction is liable to a fine of not more than \$5,000 for a first offence or not more than \$10,000 for a subsequent offence.

Regulations 1990, c. ... **17.** Subject to the approval of the Lieutenant Governor in Council and with prior review by the Minister, the College may make regulations respecting the delegation to members of controlled acts set out in subsection 26 (2) of the *Health Professions Regulation Act, 1990*.

Transition **18.** A person who, on the day before this Act comes into force, is registered under the *Dental Technicians Act*, being chapter 114 of the Revised Statutes of Ontario, 1980, is deemed to be the holder of a certificate of registration issued under this Act subject to any term, condition or limitation to which the registration was subject.

Transition before Act comes into force **19.**—(1) The transitional Council is the Governing Board of Dental Technicians as it exists from time to time between the day this Act receives Royal Assent and the day it comes into force.

(2) After this Act receives Royal Assent but before it comes into force, the transitional Council and its employees and committees may do anything that is necessary or advisable for the coming into force of this Act and that the Council and its employees and committees could do under this Act if it were in force.

Powers of
transitional
Council
before Act in
force

(3) Without limiting the generality of subsection (2), the transitional Council may appoint a Registrar and the Registrar and the Council's committees may accept and process applications for the issue of certificates of registration, charge application fees and issue certificates of registration.

Idem

(4) The Minister may,

Powers of
Minister

(a) review the transitional Council's activities and require the transitional Council to provide reports and information;

(b) require the transitional Council to make, amend or revoke a regulation under this Act;

(c) require the transitional Council to do anything that, in the opinion of the Minister, is necessary or advisable to carry out the intent of this Act and the *Health Professions Regulation Act, 1990*.

1990, c. ...

(5) If the Minister has required the transitional Council to do anything under subsection (4), the transitional Council shall, within the time and in the manner specified by the Minister, comply with the requirement and submit a report.

Transitional
Council to
comply with
Minister's
request

(6) If the Minister requires the transitional Council to make, amend or revoke a regulation under clause (4) (b) and the transitional Council does not do so within sixty days, the Lieutenant Governor in Council may make, amend or revoke the regulation.

Regulations

(7) Subsection (6) does not give the Lieutenant Governor in Council authority to do anything that the transitional Council does not have authority to do.

Idem

(8) The Minister may pay the transitional Council for expenses incurred in complying with a requirement under subsection (4).

Minister may
pay expenses

20.—(1) After this Act comes into force, the transitional Council shall be the Council of the College if it is constituted in accordance with subsection 5 (1) or, if it is not, it shall be deemed to be the Council of the College until a new Council

Transition
after Act
comes into
force

is constituted in accordance with subsection 5 (1) or until one year has elapsed, whichever comes first.

Terms of
members of
transitional
Council

(2) The term of a member of the transitional Council shall not expire while the transitional Council is deemed to be the Council of the College.

Vacancies

(3) The Lieutenant Governor in Council may appoint persons to fill vacancies on the transitional Council.

Composition
of com-
mittees of
transitional
Council

(4) Sections 7 to 12 do not apply to committees of the transitional Council.

Commence-
ment

21.—(1) This Act, except section 19, comes into force on a day to be named by proclamation of the Lieutenant Governor.

Idem

(2) Section 19 comes into force on the day this Act receives Royal Assent.

Idem

(3) Despite subsection (1), section 78 of the Health Professions Procedural Code, as it applies in respect of this Act, does not come into force until three years after this Act comes into force.

Short title

22. The short title of this Act is the *Dental Technology Act, 1990*.

Bill 184

An Act respecting the regulation of the Profession of Dentistry

The Hon. E. Caplan
Minister of Health



1st Reading June 6th, 1990

2nd Reading

3rd Reading

Royal Assent

EXPLANATORY NOTE

The Bill provides for the regulation of the profession of dentistry by the Royal College of Dental Surgeons of Ontario which is continued. The Health Professions Procedural Code, which contains the main procedural provisions applicable in regulating the profession, is deemed to be part of the Bill in subsection 2 (1). Section 4 sets out the controlled acts that members of the College are authorized to perform. Section 16 restricts the use of the titles "dentist" and "dental surgeon" to members. The remainder of the Bill relates to the internal working of the College and the regulation of the profession of dentistry.

Bill 184

1990

**An Act respecting the regulation of the
Profession of Dentistry**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Definitions

“College” means the Royal College of Dental Surgeons of Ontario;

“Health Professions Procedural Code” means the Health Professions Procedural Code set out in Schedule 2 to the *Health Professions Regulation Act, 1990*;

1990, c. ...

“profession” means the profession of dentistry;

“this Act” includes the Health Professions Procedural Code.

2.—(1) The Health Professions Procedural Code is deemed to be part of this Act.

Health
Professions
Procedural
Code part of
this Act

(2) In the Health Professions Procedural Code as it applies in respect of this Act,

Terms in
Code

“profession” means the profession of dentistry;

“this Act” means this Act and the Health Professions Procedural Code.

(3) Definitions in the Health Professions Procedural Code apply with necessary modifications to terms in this Act.

Definitions in
Code

3. The practice of dentistry is the assessment of the physical condition of the oral-facial complex and the diagnosis, treatment and prevention of any disease, dysfunction or disorder of the oral-facial complex.

Scope of
practice

Authorized
acts

4. In the course of engaging in the practice of dentistry, a member is authorized, subject to the terms, conditions and limitations imposed on his or her certificate of registration, to perform the following:

1. Communicating a conclusion, identifying a disease, disorder or dysfunction of the oral-facial complex as the cause of a person's symptoms.
2. Performing a procedure on tissue of the oral-facial complex below the dermis, below the surface of a mucous membrane or in or below the surfaces of the teeth, including the scaling of teeth.
3. Harvesting tissue for the purpose of surgery on the oral-facial complex.
4. Setting a fracture of a bone of the oral-facial complex or setting a dislocation of a joint of the oral-facial complex.
5. Administering a substance by injection or inhalation.
6. Prescribing or dispensing drugs.
7. Fitting or dispensing a dental prosthesis, or an orthodontic appliance or a device used inside the mouth to protect teeth from abnormal functioning.

College
continued

5. The College is continued.

Council

6.—(1) The Council shall be composed of,

- (a) at least ten and no more than fourteen persons who are members elected in the prescribed manner;
- (b) at least six and no more than eight persons appointed by the Lieutenant Governor in Council who are not,

(i) members,

(ii) members of a College as defined in the *Health Professions Regulation Act, 1990*, or

(iii) members of a Council as defined in the *Health Professions Regulation Act, 1990*; and

- (c) one person for each faculty of dentistry of a university in Ontario, selected in the prescribed manner from among members who are members of the faculty.

(2) Subject to the regulations, every member who practises or resides in Ontario and who is not in default of payment of the annual membership fee is entitled to vote in an election of members of the Council.

Who can
vote in
elections

7. The Council shall have a President and Vice-President who shall be elected bi-annually by the Council from among the Council's members.

President and
Vice-
President

8.—(1) The Executive Committee shall be composed of,

Executive
Committee

- (a) the President and Vice-President of the Council;
- (b) two members of the Council who are members of the College; and
- (c) one member of the Council appointed to the Council by the Lieutenant Governor in Council.

(2) The President of the Council shall be the chair of the Executive Committee.

President to
be chair

9. The Registration Committee shall be composed of,

Registration
Committee

- (a) two members of the Council who are members of the College; and
- (b) one member of the Council appointed to the Council by the Lieutenant Governor in Council.

10. The Complaints Committee shall be composed of,

Complaints
Committee

- (a) four members of the Council who are members of the College; and
- (b) two members of the Council appointed to the Council by the Lieutenant Governor in Council.

11. The Discipline Committee shall be composed of,

Discipline
Committee

- (a) seven members of the Council who are members of the College;

(b) three members of the Council appointed to the Council by the Lieutenant Governor in Council; and

(c) five members.

Fitness to
Practise
Committee

12. The Fitness to Practise Committee shall be composed of,

(a) two members of the Council who are members of the College;

(b) one member of the Council appointed to the Council by the Lieutenant Governor in Council; and

(c) one member.

Quality
Assurance
Committee

13. The Quality Assurance Committee shall be composed of,

(a) two members of the Council who are members of the College;

(b) one member of the Council appointed to the Council by the Lieutenant Governor in Council; and

(c) two members.

Appointment
of committee
members by
Council

14. The Council shall appoint the members of the committees mentioned in sections 8 to 13.

Imposition of
duties on the
Dental
Review
Committee

R.S.O. 1980,
c. 197

Restricted
titles

15. The Council may give the Dental Review Committee appointed under the *Health Insurance Act* duties that are not inconsistent with the Committee's duties under that Act.

16.—(1) No person other than a member shall use the titles "dentist" or "dental surgeon", a variation or abbreviation of them or its equivalent in another language in the course of providing or offering to provide, in Ontario, health care to individuals.

Representations
of
qualification,
etc.

(2) No person other than a member shall hold himself or herself out as a person who is qualified to practise in Ontario as a dentist or dental surgeon or in a specialty of dentistry.

Additional
grounds for
misconduct

17. In addition to the grounds set out in subsection 49 (1) of the Health Professions Procedural Code, a panel of the Discipline Committee shall find that a member has committed

an act of professional misconduct if a notice under the *Food and Drugs Act* (Canada) or the *Narcotic Control Act* (Canada) has been given to licensed dealers and pharmacists respecting the member.

1985, cc.
F-27, N-1

18.—(1) The Registrar shall give a notice to each member if the Minister refers, to the Advisory Council as defined in the *Health Professions Regulation Act, 1990*, a suggested,

Notice if
suggestions
referred to
Advisory
Council
1990, c. ...

- (a) amendment to this Act;
- (b) amendment to a regulation made by the Council; or
- (c) regulation to be made by the Council.

(2) A notice mentioned in subsection (1) shall set out the suggestion referred to the Advisory Council and the notice shall be given within thirty days after the Council of the College receives the Minister's notice of the suggestion.

Requirements
re notice

19. Every person who contravenes subsection 16 (1) or (2) is guilty of an offence and on conviction is liable to a fine of not more than \$5,000 for a first offence or not more than \$10,000 for a subsequent offence.

Offence

20. Subject to the approval of the Lieutenant Governor in Council and with prior review by the Minister, the College may make regulations,

Regulations

- (a) respecting the qualifications, selection and terms of office of Council members who are selected;
- (b) regulating the dispensing of drugs by members, requiring members to keep prescribed records and to provide to the Minister reports containing prescribed information respecting the dispensing of drugs; and
- (c) respecting the delegation by members of controlled acts set out in subsection 26 (2) of the *Health Professions Regulation Act, 1990*.

1990, c. ...

21. A person who, on the day before this Act comes into force, holds a licence issued under Part II of the *Health Disciplines Act*, being chapter 196 of the Revised Statutes of Ontario, 1980, is deemed to be the holder of a certificate of registration issued under this Act subject to any term, condition or limitation to which the licence was subject.

Transitional

Transition
before Act
comes into
force

22.—(1) The transitional Council is the Council of the Royal College of Dental Surgeons of Ontario as it exists from time to time between the day this Act receives Royal Assent and the day it comes into force.

Powers of
transitional
Council
before Act in
force

(2) After this Act receives Royal Assent but before it comes into force, the transitional Council and its employees and committees may do anything that is necessary or advisable for the coming into force of this Act and that the Council and its employees and committees could do under this Act if it were in force.

Idem

(3) Without limiting the generality of subsection (2), the transitional Council may appoint a Registrar and the Registrar and the Council's committees may accept and process applications for the issue of certificates of registration, charge application fees and issue certificates of registration.

Powers of
Minister

(4) The Minister may,

- (a) review the transitional Council's activities and require the transitional Council to provide reports and information;
- (b) require the transitional Council to make, amend or revoke a regulation under this Act;
- (c) require the transitional Council to do anything that, in the opinion of the Minister, is necessary or advisable to carry out the intent of this Act and the *Health Professions Regulation Act, 1990*.

1990, c. ...

Transitional
Council to
comply with
Minister's
request

(5) If the Minister has required the transitional Council to do anything under subsection (4), the transitional Council shall, within the time and in the manner specified by the Minister, comply with the requirement and submit a report.

Regulations

(6) If the Minister requires the transitional Council to make, amend or revoke a regulation under clause (4) (b) and the transitional Council does not do so within sixty days, the Lieutenant Governor in Council may make, amend or revoke the regulation.

Idem

(7) Subsection (6) does not give the Lieutenant Governor in Council authority to do anything that the transitional Council does not have authority to do.

Minister may
pay expenses

(8) The Minister may pay the transitional Council for expenses incurred in complying with a requirement under subsection (4).

23.—(1) After this Act comes into force, the transitional Council shall be the Council of the College if it is constituted in accordance with subsection 6 (1) or, if it is not, it shall be deemed to be the Council of the College until a new Council is constituted in accordance with subsection 6 (1) or until one year has elapsed, whichever comes first.

Transition
after Act
comes into
force

(2) The term of a member of the transitional Council shall continue for as long as the transitional Council is deemed to be the Council of the College.

Terms of
members of
transitional
Council

(3) The Lieutenant Governor in Council may appoint persons to fill vacancies on the transitional Council.

Vacancies

(4) Sections 8 to 13 do not apply to committees of the transitional Council.

Composition
of
committees
of transi-
tional
Council

24.—(1) This Act, except section 22, comes into force on a day to be named by proclamation of the Lieutenant Governor.

Commence-
ment

(2) Section 22 comes into force on the day this Act receives Royal Assent.

Idem

(3) Despite subsection (1), section 78 of the Health Professions Procedural Code, as it applies in respect of this Act, does not come into force until three years after this Act comes into force.

Idem

25. The short title of this Act is the *Dentistry Act, 1990*.

Short title

Bill 185

An Act respecting the regulation of the Profession of Denturism

The Hon. E. Caplan
Minister of Health



1st Reading June 6th, 1990

2nd Reading

3rd Reading

Royal Assent

EXPLANATORY NOTE

The Bill provides for the regulation of the profession of denturism by the College of Denturists of Ontario. The Governing Board of Denture Therapists is continued as the College. The Health Professions Procedural Code, which contains the main procedural provisions applicable in regulating the profession, is deemed to be part of the Bill in subsection 2 (1). Section 4 sets out the controlled acts that members of the College are authorized to perform. Section 15 restricts the use of the titles "denturist" and "denture therapist". The remainder of the Bill relates to the internal working of the College and the regulation of the profession of denturism.

Bill 185

1990

An Act respecting the regulation of the Profession of Denturism

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Definitions

“College” means the College of Denturists of Ontario;

“Health Professions Procedural Code” means the Health Professions Procedural Code set out in Schedule 2 to the *Health Professions Regulation Act, 1990*;

1990, c. ...

“profession” means the profession of denturism;

“this Act” includes the Health Professions Procedural Code.

2.—(1) The Health Professions Procedural Code is deemed to be part of this Act.

Health
Professions
Procedural
Code part of
this Act

(2) In the Health Professions Procedural Code as it applies in respect of this Act,

Terms in
Code

“profession” means the profession of denturism;

“this Act” means this Act and the Health Professions Procedural Code.

(3) Definitions in the Health Professions Procedural Code apply with necessary modifications to terms in this Act.

Definitions in
Code

3. The practice of denturism is the assessment of arches missing some or all teeth and the design, construction, repair, alteration, ordering and fitting of removable dentures.

Scope of
practice

4. In the course of engaging in the practice of denturism, a member is authorized, subject to the terms, conditions and

Authorized
act

limitations imposed on his or her certificate of registration, to fit and dispense removable dentures.

Governing
Board
continued as
College
Council

5. The Governing Board of Denture Therapists is continued as the College of Denturists of Ontario.

6.—(1) The Council shall be composed of,

- (a) at least eight and no more than ten persons who are members elected in the prescribed manner; and
- (b) four or five persons appointed by the Lieutenant Governor in Council who are not,
 - (i) members,

1990, c. ...

(ii) members of a College as defined in the *Health Professions Regulation Act, 1990*, or

(iii) members of a Council as defined in the *Health Professions Regulation Act, 1990*.

Who can
vote in
elections

(2) Subject to the regulations, every member who practises or resides in Ontario and who is not in default of payment of the annual membership fee is entitled to vote in an election of members of the Council.

President and
Vice-
President

7. The Council shall have a President and Vice-President who shall be elected bi-annually by the Council from among the Council's members.

Executive
Committee

8.—(1) The Executive Committee shall be composed of,

- (a) the President and Vice-President of the Council;
- (b) two members of the Council who are members of the College; and
- (c) one member of the Council appointed to the Council by the Lieutenant Governor in Council.

President to
be chair

(2) The President of the Council shall be the chair of the Executive Committee.

Registration
Committee

9. The Registration Committee shall be composed of,

- (a) two members of the Council who are members of the College; and

- (b) one member of the Council appointed to the Council by the Lieutenant Governor in Council.

10. The Complaints Committee shall be composed of, Complaints Committee

- (a) two members of the Council who are members of the College;
- (b) one member of the Council appointed to the Council by the Lieutenant Governor in Council; and
- (c) one member.

11. The Discipline Committee shall be composed of, Discipline Committee

- (a) three members of the Council who are members of the College;
- (b) two members of the Council appointed to the Council by the Lieutenant Governor in Council; and
- (c) two members.

12. The Fitness to Practise Committee shall be composed of, Fitness to Practise Committee

- (a) two members of the Council who are members of the College;
- (b) one member of the Council appointed to the Council by the Lieutenant Governor in Council; and
- (c) one member.

13. The Quality Assurance Committee shall be composed of, Quality Assurance Committee

- (a) two members of the Council who are members of the College;
- (b) one member of the Council appointed to the Council by the Lieutenant Governor in Council; and
- (c) two members.

14. The Council shall appoint the members of the committees mentioned in sections 8 to 13. Appointment of committee members by Council

15.—(1) No person other than a member shall use the title “denturist”, a variation or abbreviation of it or its equivalent Restricted titles

in another language in the course of providing or offering to provide, in Ontario, health care to individuals.

Idem (2) No person shall use the title “denture therapist” or a variation or abbreviation of it.

Representations of qualification, etc. (3) No person other than a member shall hold himself or herself out as a person who is qualified to practise in Ontario as a denturist or in a specialty of denturism.

Exception (4) Despite subsection (2), a member may use the title “denture therapist” or a variation or abbreviation of it for three years after this Act comes into force.

Notice if suggestions referred to Advisory Council 1990, c. ... **16.**—(1) The Registrar shall give a notice to each member if the Minister refers to the Advisory Council, as defined in the *Health Professions Regulation Act, 1990*, a suggested,

- (a) amendment to this Act;
- (b) amendment to a regulation made by the Council; or
- (c) regulation to be made by the Council.

Requirements re notice (2) A notice mentioned in subsection (1) shall set out the suggestion referred to the Advisory Council and the notice shall be given within thirty days after the Council of the College receives the Minister’s notice of the suggestion.

Offence **17.** Every person who contravenes subsection 15 (1), (2) or (3) is guilty of an offence and on conviction is liable to a fine of not more than \$5,000 for a first offence or not more than \$10,000 for a subsequent offence.

Regulations 1990, c. ... **18.** Subject to the approval of the Lieutenant Governor in Council and with prior review by the Minister, the College may make regulations respecting the delegation to members of controlled acts set out in subsection 26 (2) of the *Health Professions Regulation Act, 1990*.

Transition **19.** A person who, on the day before this Act comes into force, is licensed as a denture therapist under the *Denture Therapists Act*, being chapter 115 of the Revised Statutes of Ontario, 1980, is deemed to be the holder of a certificate of registration issued under this Act subject to any term, condition or limitation to which the licence was subject.

Transition before Act comes into force **20.**—(1) The transitional Council is the Governing Board of Denture Therapists as it exists from time to time between

the day this Act receives Royal Assent and the day it comes into force.

(2) After this Act receives Royal Assent but before it comes into force, the transitional Council and its employees and committees may do anything that is necessary or advisable for the coming into force of this Act and that the Council and its employees and committees could do under this Act if it were in force.

Powers of transitional Council before Act in force

(3) Without limiting the generality of subsection (2), the transitional Council may appoint a Registrar and the Registrar and the Council's committees may accept and process applications for the issue of certificates of registration, charge application fees and issue certificates of registration.

Idem

(4) The Minister may,

Powers of Minister

- (a) review the transitional Council's activities and require the transitional Council to provide reports and information;
- (b) require the transitional Council to make, amend or revoke a regulation under this Act;
- (c) require the transitional Council to do anything that, in the opinion of the Minister, is necessary or advisable to carry out the intent of this Act and the *Health Professions Regulation Act, 1990*.

1990, c. ...

(5) If the Minister has required the transitional Council to do anything under subsection (4), the transitional Council shall, within the time and in the manner specified by the Minister, comply with the requirement and submit a report.

Transitional Council to comply with Minister's request

(6) If the Minister requires the transitional Council to make, amend or revoke a regulation under clause (4) (b) and the transitional Council does not do so within sixty days, the Lieutenant Governor in Council may make, amend or revoke the regulation.

Regulations

(7) Subsection (6) does not give the Lieutenant Governor in Council authority to do anything that the transitional Council does not have authority to do.

Idem

(8) The Minister may pay the transitional Council for expenses incurred in complying with a requirement under subsection (4).

Minister may pay expenses

Transition
after Act
comes into
force

21.—(1) After this Act comes into force, the transitional Council shall be the Council of the College if it is constituted in accordance with subsection 6 (1) or, if it is not, it shall be deemed to be the Council of the College until a new Council is constituted in accordance with subsection 6 (1) or until one year has elapsed, whichever comes first.

Terms of
members of
transitional
Council

(2) The term of a member of the transitional Council shall not expire while the transitional Council is deemed to be the Council of the College.

Vacancies

(3) The Lieutenant Governor in Council may appoint persons to fill vacancies on the transitional Council.

Composition
of
committees
of transi-
tional
Council

(4) Sections 8 to 13 do not apply to committees of the transitional Council.

Commence-
ment

22.—(1) This Act, except section 20, comes into force on a day to be named by proclamation of the Lieutenant Governor.

Idem

(2) Section 20 comes into force on the day this Act receives Royal Assent.

Idem

(3) Despite subsection (1), section 78 of the Health Professions Procedural Code, as it applies in respect of this Act, does not come into force until three years after this Act comes into force.

Short title

23. The short title of this Act is the *Denturism Act, 1990*.

Bill 186

An Act respecting the regulation of the Profession of Dietetics

The Hon. E. Caplan
Minister of Health



1st Reading June 6th, 1990
2nd Reading
3rd Reading
Royal Assent

EXPLANATORY NOTE

The Bill provides for the regulation of the profession of dietetics by the College of Dietitians of Ontario which is established. The Health Professions Procedural Code, which contains the main procedural provisions applicable in regulating the profession, is deemed to be part of the Bill in subsection 2 (1). Section 14 restricts the use of the title "dietitian" to members. The remainder of the Bill relates to the internal working of the College and the regulation of the profession of dietetics.

Bill 186

1990

**An Act respecting the regulation of the
Profession of Dietetics**

HER MAJESTY, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts as
follows:

1. In this Act,

Definitions

“College” means the College of Dietitians of Ontario;

“Health Professions Procedural Code” means the Health Pro-
fessions Procedural Code set out in Schedule 2 to the
Health Professions Regulation Act, 1990;

1990, c. ...

“profession” means the profession of dietetics;

“this Act” includes the Health Professions Procedural Code.

2.—(1) The Health Professions Procedural Code is
deemed to be part of this Act.

Health
Professions
Procedural
Code part of
this Act

(2) In the Health Professions Procedural Code as it applies
in respect of this Act,

Terms in
Code

“profession” means the profession of dietetics;

“this Act” means this Act and the Health Professions Proce-
dural Code.

(3) Definitions in the Health Professions Procedural Code
apply with necessary modifications to terms in this Act.

Definitions in
Code

3. The practice of dietetics is the assessment of nutrition
and nutritional conditions and the treatment and prevention
of nutrition related disorders by nutritional means.

Scope of
practice

4. The College of Dietitians of Ontario is established.

College
established

Council

5.—(1) The Council shall be composed of,

- (a) at least eight and no more than twelve persons who are members elected in the prescribed manner; and
- (b) at least four and no more than six persons appointed by the Lieutenant Governor in Council who are not,

- (i) members,

1990, c. ...

- (ii) members of a College as defined in the *Health Professions Regulation Act, 1990*, or

- (iii) members of a Council as defined in the *Health Professions Regulation Act, 1990*.

Who can
vote in
elections

(2) Subject to the regulations, every member who practises or resides in Ontario and who is not in default of payment of the annual membership fee is entitled to vote in an election of members of the Council.

President and
Vice-
President

6. The Council shall have a President and Vice-President who shall be elected annually by the Council from among the Council's members.

Executive
Committee**7.—(1)** The Executive Committee shall be composed of,

- (a) the President and Vice-President of the Council;
- (b) two members of the Council who are members of the College; and
- (c) one member of the Council appointed to the Council by the Lieutenant Governor in Council.

President to
be chair

(2) The President of the Council shall be the chair of the Executive Committee.

Registration
Committee**8.** The Registration Committee shall be composed of,

- (a) two members of the Council who are members of the College;
- (b) one member of the Council appointed to the Council by the Lieutenant Governor in Council; and
- (c) one member.

Complaints
Committee**9.** The Complaints Committee shall be composed of,

- (a) two members of the Council who are members of the College;
- (b) one member of the Council appointed to the Council by the Lieutenant Governor in Council; and
- (c) one member.

10. The Discipline Committee shall be composed of,

Discipline
Committee

- (a) three members of the Council who are members of the College;
- (b) two members of the Council appointed to the Council by the Lieutenant Governor in Council; and
- (c) two members.

11. The Fitness to Practise Committee shall be composed of,

Fitness to
Practise
Committee

- (a) two members of the Council who are members of the College; and
- (b) one member of the Council appointed to the Council by the Lieutenant Governor in Council.

12. The Quality Assurance Committee shall be composed of,

Quality
Assurance
Committee

- (a) two members of the Council who are members of the College;
- (b) one member of the Council appointed to the Council by the Lieutenant Governor in Council; and
- (c) two members.

13. The Council shall appoint the members of the committees mentioned in sections 7 to 12.

Appointment
of committee
members by
Council

14.—(1) No person other than a member shall use the title “dietitian”, a variation or abbreviation of it or its equivalent in another language in the course of providing or offering to provide, in Ontario, health care to individuals.

Restricted
titles

(2) No person other than a member shall hold himself or herself out as a person who is qualified to practise in Ontario as a dietitian or in a specialty of dietetics.

Representations of
qualification,
etc.

Notice if
suggestions
referred to
Advisory
Council
1990, c. ...

15.—(1) The Registrar shall give a notice to each member if the Minister refers to the Advisory Council, as defined in the *Health Professions Regulation Act, 1990*, a suggested,

- (a) amendment to this Act;
- (b) amendment to a regulation made by the Council; or
- (c) regulation to be made by the Council.

Requirements
re notice

(2) A notice mentioned in subsection (1) shall set out the suggestion referred to the Advisory Council and the notice shall be given within thirty days after the Council of the College receives the Minister's notice of the suggestion.

Offence

16. Every person who contravenes subsection 14 (1) or (2) is guilty of an offence and on conviction is liable to a fine of not more than \$5,000 for a first offence or not more than \$10,000 for a subsequent offence.

Regulations

1990, c. ...

17. Subject to the approval of the Lieutenant Governor in Council and with prior review by the Minister, the College may make regulations respecting the delegation to members of controlled acts set out in subsection 26 (2) of the *Health Professions Regulation Act, 1990*.

Transition
before Act
comes into
force

Powers of
transitional
Council
before Act in
force

18.—(1) The Lieutenant Governor in Council may appoint a transitional Council.

(2) After this Act receives Royal Assent but before it comes into force, the transitional Council and its employees and committees may do anything that is necessary or advisable for the coming into force of this Act and that the Council and its employees and committees could do under this Act if it were in force.

Idem

(3) Without limiting the generality of subsection (2), the transitional Council may appoint a Registrar and the Registrar and the Council's committees may accept and process applications for the issue of certificates of registration, charge application fees and issue certificates of registration.

Powers of
Minister

(4) The Minister may,

- (a) review the transitional Council's activities and require the transitional Council to provide reports and information;
- (b) require the transitional Council to make, amend or revoke a regulation under this Act;

- (c) require the transitional Council to do anything that, in the opinion of the Minister, is necessary or advisable to carry out the intent of this Act and the *Health Professions Regulation Act, 1990*.

1990, c. ...

(5) If the Minister has required the transitional Council to do anything under subsection (4), the transitional Council shall, within the time and in the manner specified by the Minister, comply with the requirement and submit a report.

Transitional Council to comply with Minister's request

(6) If the Minister requires the transitional Council to make, amend or revoke a regulation under clause (4) (b) and the transitional Council does not do so within sixty days, the Lieutenant Governor in Council may make, amend or revoke the regulation.

Regulations

(7) Subsection (6) does not give the Lieutenant Governor in Council authority to do anything that the transitional Council does not have authority to do.

Idem

(8) The Minister may pay the transitional Council for expenses incurred in complying with a requirement under subsection (4).

Minister may pay expenses

19.—(1) After this Act comes into force, the transitional Council shall be the Council of the College if it is constituted in accordance with subsection 5 (1) or, if it is not, it shall be deemed to be the Council of the College until a new Council is constituted in accordance with subsection 5 (1) or until one year has elapsed, whichever comes first.

Transition after Act comes into force

(2) The term of a member of the transitional Council shall not expire while the transitional Council is deemed to be the Council of the College.

Terms of members of transitional Council

(3) Sections 7 to 12 do not apply to committees of the transitional Council.

Composition of committees of transitional Council

20.—(1) This Act, except section 18, comes into force on a day to be named by proclamation of the Lieutenant Governor.

Commencement

(2) Section 18 comes into force on the day this Act receives Royal Assent.

Idem

(3) Despite subsection (1), section 78 of the *Health Professions Procedural Code*, as it applies in respect of this Act, does not come into force until three years after this Act comes into force.

Idem

21. The short title of this Act is the *Dietetics Act, 1990*.

Short title

Bill 187

An Act to amend certain Acts as they relate to Police and Sheriffs

The Hon. I. Scott
Attorney General



1st Reading November 17th, 1988

2nd Reading

3rd Reading

Royal Assent

*Continued from the 1st Session by an Order of the
Legislative Assembly of March 2nd, 1989.*

EXPLANATORY NOTES

SECTION 1. *Police Act*

The proposed section 57a, as set out in subsection 1 (1) of the Bill, provides that the responsibility for ensuring court security rests with municipal police forces and (in parts of the province without municipal police forces) the Ontario Provincial Police Force.

Under subsection 1 (2), contracts related to court security and entered into by the province before the coming into force of the Bill will be unenforceable.

SECTION 2. *Sheriffs Act*

Subsection 2 (1) of the Bill replaces section 2 of the *Sheriffs Act*, which currently reads as follows:

2. Except where a statute provides otherwise, orders of a court enforceable in Ontario shall be directed to the sheriff for enforcement.

The new version of section 2 makes it clear that orders made in civil proceedings are to be enforced by the sheriff (unless a statute provides otherwise). However, the sheriff is entitled to police assistance if a breach of the peace is anticipated.

Subsections 2 (2) and (3) of the Bill are complementary to the enactment of section 57a of the *Police Act*, as set out in subsection 1 (1) of the Bill. The sections that will be repealed read as follows:

16. The sheriff shall give his attendance upon the judges for the maintenance of good order in Her Majesty's courts, and for the doing and executing of all other things that appertain to the office of sheriff in such case.

17. The sheriff has the appointment and control of the constables at the sittings of the High Court, the county court and other courts at which the attendance of the sheriff is required.

SECTIONS 3 and 4. *Children's Law Reform Act and Courts of Justice Act, 1984.*

The amendments are complementary to the re-enactment of section 2 of the *Sheriffs Act*, as set out in subsection 2 (1) of the Bill, and make it clear that orders under the *Children's Law Reform Act* to locate, apprehend and deliver children and warrants of committal or for arrest in civil proceedings are to be enforced by the police and not by sheriffs. These are exceptions to the general rule found in the proposed section 2 of the *Sheriffs Act*.

Bill 187

1989

**An Act to amend certain Acts
as they relate to Police and Sheriffs**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) The *Police Act*, being chapter 381 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following section:

57a.—(1) A board or council responsible for the policing of a municipality has the following responsibilities, with respect to premises where court proceedings are conducted:

Court
security in
municipalities
with police
forces

1. Ensuring the security of judges and of persons taking part in or attending proceedings.
2. During the hours when judges and members of the public are normally present, ensuring the security of the premises.
3. Ensuring the secure custody of persons in custody who are on or about the premises including persons taken into custody at proceedings.

(2) The Ontario Provincial Police Force has the responsibilities set out in paragraphs 1, 2 and 3 of subsection (1) in those parts of Ontario in which it has responsibility for policing.

Idem, other
parts of
Ontario

(3) The responsibilities created by this section replace any responsibility for ensuring court security that existed at common law.

Common law
replaced

(2) No action or other proceeding for damages, specific performance or any other relief shall be instituted against Her Majesty the Queen in right of Ontario or the Attorney General or their officers, employees or agents arising from the negotiation, performance or termination of any agreement relating to court security entered into before this Act comes into force.

Contracts
unenforceable

2.—(1) Section 2 of the *Sheriffs Act*, being chapter 470 of the Revised Statutes of Ontario, 1980, as re-enacted by the Statutes of Ontario, 1984, chapter 11, section 212, is repealed and the following substituted therefor:

Civil orders
directed to
sheriffs

2.—(1) Unless an Act provides otherwise, orders of a court arising out of a civil proceeding and enforceable in Ontario shall be directed to the sheriff for enforcement.

Police to
assist sheriff

(2) A sheriff who believes that the execution of an order may give rise to a breach of the peace may require a police officer to accompany the sheriff and assist in the execution of the order.

(2) Section 16 of the said Act is repealed.

(3) Section 17 of the said Act, as amended by the Statutes of Ontario, 1984, chapter 11, section 212, is repealed.

3. Section 37 of the *Children's Law Reform Act*, being chapter 68 of the Revised Statutes of Ontario, 1980, as enacted by the Statutes of Ontario, 1982, chapter 20, section 1, is amended,

- (a) by striking out "the sheriff or a police force, or both" in the fourth last line of subsection (2) and inserting in lieu thereof "a police force";
- (b) by striking out "sheriff or" in the first line of subsection (4); and
- (c) by striking out "a sheriff or" in the second line of subsection (5).

4.—(1) Subsection 108 (3) of the *Courts of Justice Act*, 1984, being chapter 11, is amended by striking out "and 146 (prohibition against photography at court hearings)" in the second and third lines and inserting in lieu thereof "146 (prohibition against photography at court hearings) and 152a (arrest and committal warrants enforceable by police)".

(2) The said Act is amended by adding thereto the following section:

Orders
enforceable
by police

152a. Warrants of committal, warrants for arrest and any other orders requiring persons to be apprehended or taken into custody shall be directed to police officers for enforcement.

5. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor. Commence-
ment

6. The short title of this Act is the *Police and Sheriffs Statute Law Amendment Act, 1989.* Short title

Bill 187

An Act to amend certain Acts as they relate to Police and Sheriffs

The Hon. I. Scott
Attorney General



1st Reading November 17th, 1988
2nd Reading February 14th, 1989
3rd Reading
Royal Assent

*Continued from the 1st Session by an Order of the
Legislative Assembly of March 2nd, 1989.*

(Reprinted as amended by the Administration of Justice Committee)

EXPLANATORY NOTES

SECTION 1. *Police Act*

The proposed section 57a, as set out in subsection 1 (1) of the Bill, provides that the responsibility for ensuring court security rests with municipal police forces and (in parts of the province without municipal police forces) the Ontario Provincial Police Force.

Under subsection 1 (2), contracts related to court security and entered into by the province before the coming into force of the Bill will be unenforceable.

SECTION 2. *Sheriffs Act*

Subsection 2 (1) of the Bill replaces section 2 of the *Sheriffs Act*, which currently reads as follows:

2. Except where a statute provides otherwise, orders of a court enforceable in Ontario shall be directed to the sheriff for enforcement.

The new version of section 2 makes it clear that orders made in civil proceedings are to be enforced by the sheriff (unless a statute provides otherwise). However, the sheriff is entitled to police assistance if a breach of the peace is anticipated.

Subsections 2 (2) and (3) of the Bill are complementary to the enactment of section 57a of the *Police Act*, as set out in subsection 1 (1) of the Bill. The sections that will be repealed read as follows:

16. The sheriff shall give his attendance upon the judges for the maintenance of good order in Her Majesty's courts, and for the doing and executing of all other things that appertain to the office of sheriff in such case.

17. The sheriff has the appointment and control of the constables at the sittings of the High Court, the county court and other courts at which the attendance of the sheriff is required.

SECTIONS 3 and 4. *Children's Law Reform Act and Courts of Justice Act, 1984.*

The amendments, other than the amendment to section 94 of the *Courts of Justice Act, 1984*, are complementary to the re-enactment of section 2 of the *Sheriffs Act*, as set out in subsection 2 (1) of the Bill, and make it clear that orders under the *Children's Law Reform Act* to locate, apprehend and deliver children and warrants of committal or for arrest in civil proceedings are to be enforced by the police and not by sheriffs. These are exceptions to the general rule found in the proposed section 2 of the *Sheriffs Act*.

The amendment to section 94 of the *Courts of Justice Act, 1984* is complementary to the repeal of section 17 of the *Sheriffs Act* and clarifies that attendants may continue to be employed in the courts.

Bill 187

1989

An Act to amend certain Acts as they relate to Police and Sheriffs

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) The *Police Act*, being chapter 381 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following section:

57a.—(1) A board or council responsible for the policing of a municipality has the following responsibilities, with respect to premises where court proceedings are conducted:

Court security in municipalities with police forces

1. Ensuring the security of judges and of persons taking part in or attending proceedings.
2. During the hours when judges and members of the public are normally present, ensuring the security of the premises.
3. Ensuring the secure custody of persons in custody who are on or about the premises including persons taken into custody at proceedings.
4. Determining appropriate levels of security for the purposes of paragraphs 1, 2 and 3.

(2) The Ontario Provincial Police Force has the responsibilities set out in paragraphs 1, 2, 3 and 4 of subsection (1) in those parts of Ontario in which it has responsibility for policing.

Idem, other parts of Ontario

(3) The responsibilities created by this section replace any responsibility for ensuring court security that existed at common law.

Common law replaced

(2) No action or other proceeding for damages, specific performance or any other relief shall be instituted against Her

Contracts unenforceable

Majesty the Queen in right of Ontario or the Attorney General or their officers, employees or agents arising from the negotiation, performance or termination of any agreement relating to court security entered into before this Act comes into force.

2.—(1) Section 2 of the *Sheriffs Act*, being chapter 470 of the Revised Statutes of Ontario, 1980, as re-enacted by the Statutes of Ontario, 1984, chapter 11, section 212, is repealed and the following substituted therefor:

Civil orders
directed to
sheriffs

2.—(1) Unless an Act provides otherwise, orders of a court arising out of a civil proceeding and enforceable in Ontario shall be directed to the sheriff for enforcement.

Police to
assist sheriff

(2) A sheriff who believes that the execution of an order may give rise to a breach of the peace may require a police officer to accompany the sheriff and assist in the execution of the order.


(2) Section 16 of the said Act is repealed.

(3) Section 17 of the said Act, as amended by the Statutes of Ontario, 1984, chapter 11, section 212, is repealed.

3. Section 37 of the *Children's Law Reform Act*, being chapter 68 of the Revised Statutes of Ontario, 1980, as enacted by the Statutes of Ontario, 1982, chapter 20, section 1, is amended,

- (a) by striking out "the sheriff or a police force, or both" in the fourth last line of subsection (2) and inserting in lieu thereof "a police force";
- (b) by striking out "sheriff or" in the first line of subsection (4); and
- (c) by striking out "a sheriff or" in the second line of subsection (5).



4.—(1) Section 94 of the *Courts of Justice Act, 1984*, being chapter 11, is amended by inserting after "reporters" in the first line "court attendants". 

(2) Subsection 108 (3) of the said Act is amended by striking out "and 146 (prohibition against photography at court hearings)" in the second and third lines and inserting in lieu thereof "146 (prohibition against photography at court hearings) and 152a (arrest and committal warrants enforceable by police)".

(3) The said Act is amended by adding thereto the following section:

152a. Warrants of committal, warrants for arrest and any other orders requiring persons to be apprehended or taken into custody shall be directed to police officers for enforcement. Orders enforceable by police

5. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor. Commencement

6. The short title of this Act is the *Police and Sheriffs Statute Law Amendment Act, 1989*. Short title

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Bill 187


2ND SESSION, 34TH LEGISLATURE, ONTARIO

38 ELIZABETH II, 1989

Bill 187

*(Chapter 24
Statutes of Ontario, 1989)*

An Act to amend certain Acts as they relate to Police and Sheriffs



The Hon. I. Scott
Attorney General

<i>1st Reading</i>	November 17th, 1988
<i>2nd Reading</i>	February 14th, 1989
<i>3rd Reading</i>	June 19th, 1989
<i>Royal Assent</i>	June 20th, 1989

*Continued from the 1st Session by an Order of the
Legislative Assembly of March 2nd, 1989.*

Bill 187

1989

**An Act to amend certain Acts
as they relate to Police and Sheriffs**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) The *Police Act*, being chapter 381 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following section:

57a.—(1) A board or council responsible for the policing of a municipality has the following responsibilities, with respect to premises where court proceedings are conducted:

Court
security in
municipalities
with police
forces

1. Ensuring the security of judges and of persons taking part in or attending proceedings.
2. During the hours when judges and members of the public are normally present, ensuring the security of the premises.
3. Ensuring the secure custody of persons in custody who are on or about the premises including persons taken into custody at proceedings.
4. Determining appropriate levels of security for the purposes of paragraphs 1, 2 and 3.

(2) The Ontario Provincial Police Force has the responsibilities set out in paragraphs 1, 2, 3 and 4 of subsection (1) in those parts of Ontario in which it has responsibility for policing.

Idem, other
parts of
Ontario

(3) The responsibilities created by this section replace any responsibility for ensuring court security that existed at common law.

Common law
replaced

(2) No action or other proceeding for damages, specific performance or any other relief shall be instituted against Her

Contracts
unenforceable

Majesty the Queen in right of Ontario or the Attorney General or their officers, employees or agents arising from the negotiation, performance or termination of any agreement relating to court security entered into before this Act comes into force.

2.—(1) Section 2 of the *Sheriffs Act*, being chapter 470 of the Revised Statutes of Ontario, 1980, as re-enacted by the Statutes of Ontario, 1984, chapter 11, section 212, is repealed and the following substituted therefor:

Civil orders
directed to
sheriffs

2.—(1) Unless an Act provides otherwise, orders of a court arising out of a civil proceeding and enforceable in Ontario shall be directed to the sheriff for enforcement.

Police to
assist sheriff

(2) A sheriff who believes that the execution of an order may give rise to a breach of the peace may require a police officer to accompany the sheriff and assist in the execution of the order.

(2) Section 16 of the said Act is repealed.

(3) Section 17 of the said Act, as amended by the Statutes of Ontario, 1984, chapter 11, section 212, is repealed.

3. Section 37 of the *Children's Law Reform Act*, being chapter 68 of the Revised Statutes of Ontario, 1980, as enacted by the Statutes of Ontario, 1982, chapter 20, section 1, is amended,

- (a) by striking out "the sheriff or a police force, or both" in the fourth last line of subsection (2) and inserting in lieu thereof "a police force";
- (b) by striking out "sheriff or" in the first line of subsection (4); and
- (c) by striking out "a sheriff or" in the second line of subsection (5).

4.—(1) Section 94 of the *Courts of Justice Act, 1984*, being chapter 11, is amended by inserting after "reporters" in the first line "court attendants".

(2) Subsection 108 (3) of the said Act is amended by striking out "and 146 (prohibition against photography at court hearings)" in the second and third lines and inserting in lieu thereof "146 (prohibition against photography at court hearings) and 152a (arrest and committal warrants enforceable by police)".

(3) The said Act is amended by adding thereto the following section:

152a. Warrants of committal, warrants for arrest and any other orders requiring persons to be apprehended or taken into custody shall be directed to police officers for enforcement.

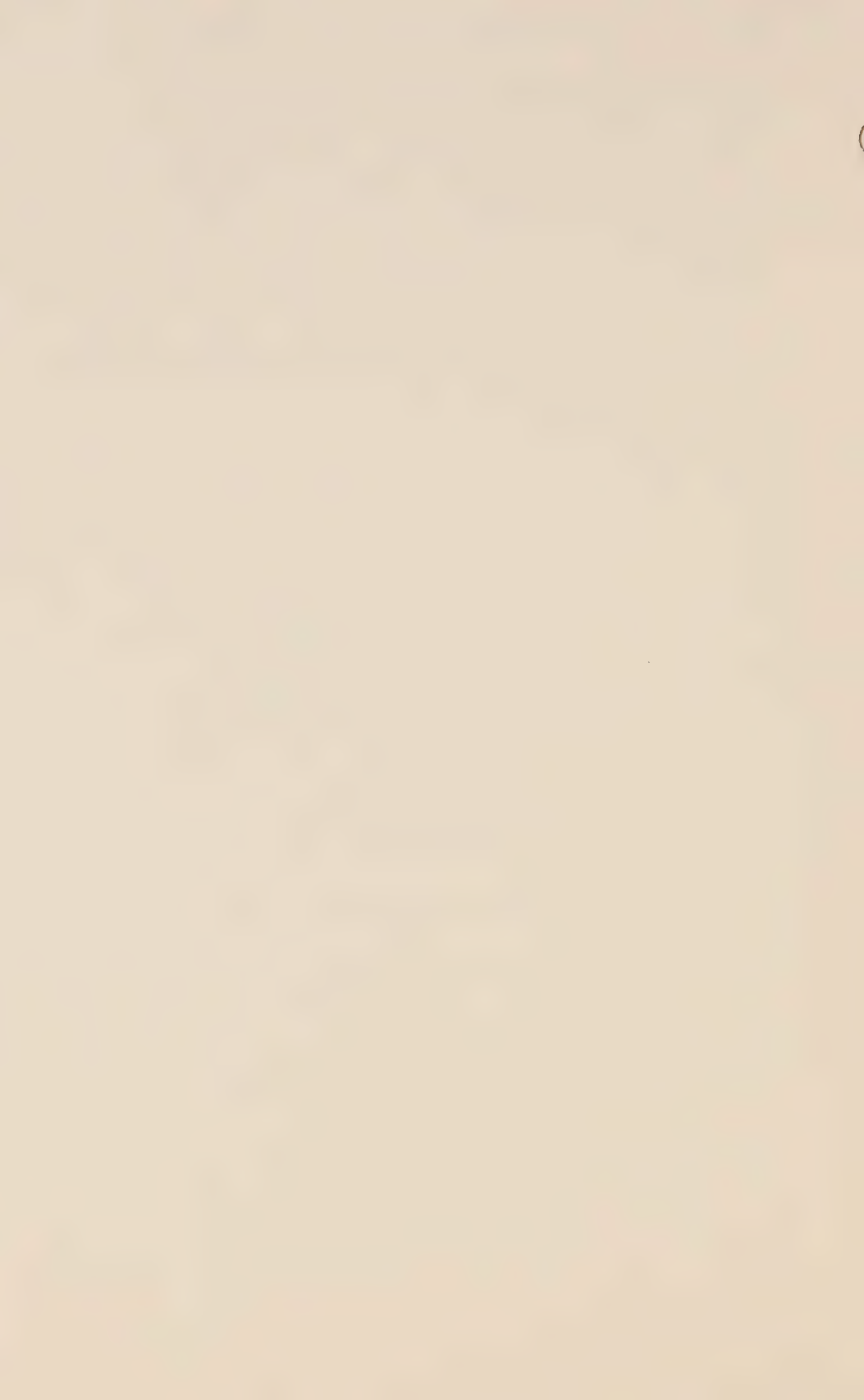
Orders enforceable by police

5. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Commencement

6. The short title of this Act is the *Police and Sheriffs Statute Law Amendment Act, 1989.*

Short title



Bill 188

An Act respecting the regulation of the Profession of Massage Therapy

The Hon. E. Caplan
Minister of Health



1st Reading June 6th, 1990
2nd Reading
3rd Reading
Royal Assent

EXPLANATORY NOTE

The Bill provides for the regulation of the profession of massage therapy by the College of Massage Therapists of Ontario. The Board of Directors of Masseurs is continued as the College. The Health Professions Procedural Code, which contains the main procedural provisions applicable in regulating the profession, is deemed to be part of the Bill in subsection 2 (1). Section 14 restricts the use of the title "massage therapist" to members. The remainder of the Bill relates to the internal working of the College and the regulation of the profession of massage therapy.

Bill 188

1990

An Act respecting the regulation of the Profession of Massage Therapy

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Definitions

“College” means the College of Massage Therapists of Ontario;

“Health Professions Procedural Code” means the Health Professions Procedural Code set out in Schedule 2 to the *Health Professions Regulation Act, 1990*;

1990, c. ...

“profession” means the profession of massage therapy;

“this Act” includes the Health Professions Procedural Code.

2.—(1) The Health Professions Procedural Code is deemed to be part of this Act.

Health
Professions
Procedural
Code part of
this Act

(2) In the Health Professions Procedural Code as it applies in respect of this Act,

Terms in
Code

“profession” means the profession of massage therapy;

“this Act” means this Act and the Health Professions Procedural Code.

(3) Definitions in the Health Professions Procedural Code apply with necessary modifications to terms in this Act.

Definitions in
Code

3. The practice of massage therapy is the assessment of the soft tissue and joints of the body and the treatment and prevention of physical dysfunction and pain of the soft tissues and joints by manipulation to develop, maintain, rehabilitate or augment physical function, or relieve pain.

Scope of
practice

Board
continued as
College

4. The Board of Directors of Masseurs is continued as the College of Massage Therapists of Ontario.

Council

5.—(1) The Council shall be composed of,

- (a) at least seven and no more than eight persons who are members elected in the prescribed manner; and
- (b) four persons appointed by the Lieutenant Governor in Council who are not,
 - (i) members,
 - (ii) members of a College as defined in the *Health Professions Regulation Act, 1990*, or
 - (iii) members of a Council as defined in the *Health Professions Regulation Act, 1990*.

1990, c. ...

Who can
vote in
elections

(2) Subject to the regulations, every member who practises or resides in Ontario and who is not in default of payment of the annual membership fee is entitled to vote in an election of members of the Council.

President and
Vice-
President

6. The Council shall have a President and Vice-President who shall be elected annually by the Council from among the Council's members.

Executive
Committee

7.—(1) The Executive Committee shall be composed of,

- (a) the President and Vice-President of the Council;
- (b) two members of the Council who are members of the College; and
- (c) one member of the Council appointed to the Council by the Lieutenant Governor in Council.

President to
be chair

(2) The President of the Council shall be the chair of the Executive Committee.

Registration
Committee

8. The Registration Committee shall be composed of,

- (a) two members of the Council who are members of the College; and
- (b) one member of the Council appointed to the Council by the Lieutenant Governor in Council.

Complaints
Committee

9. The Complaints Committee shall be composed of,

- (a) two members of the Council who are members of the College;
- (b) one member of the Council appointed to the Council by the Lieutenant Governor in Council; and
- (c) one member.

10. The Discipline Committee shall be composed of,

Discipline
Committee

- (a) three members of the Council who are members of the College;
- (b) two members of the Council appointed to the Council by the Lieutenant Governor in Council; and
- (c) three members.

11. The Fitness to Practise Committee shall be composed of,

Fitness to
Practise
Committee

- (a) two members of the Council who are members of the College; and
- (b) one member of the Council appointed to the Council by the Lieutenant Governor in Council.

12. The Quality Assurance Committee shall be composed of,

Quality
Assurance
Committee

- (a) two members of the Council who are members of the College;
- (b) one member of the Council appointed to the Council by the Lieutenant Governor in Council; and
- (c) two members.

13. The Council shall appoint the members of the committees mentioned in sections 7 to 12.

Appointment
of committee
members by
Council

14.—(1) No person other than a member shall use the title “massage therapist”, a variation or abbreviation of it or its equivalent in another language in the course of providing or offering to provide, in Ontario, health care to individuals.

Restricted
titles

(2) No person other than a member shall hold himself or herself out as a person who is qualified to practise in Ontario as a massage therapist or in a specialty of massage therapy.

Representations
of
qualification,
etc.

Notice if
suggestions
referred to
Advisory
Council
1990, c. ...

15.—(1) The Registrar shall give a notice to each member if the Minister refers to the Advisory Council, as defined in the *Health Professions Regulation Act, 1990*, a suggested,

- (a) amendment to this Act;
- (b) amendment to a regulation made by the Council; or
- (c) regulation to be made by the Council.

Requirements
re notice

(2) A notice mentioned in subsection (1) shall set out the suggestion referred to the Advisory Council and the notice shall be given within thirty days after the Council of the College receives the Minister's notice of the suggestion.

Offence

16. Every person who contravenes subsection 14 (1) or (2) is guilty of an offence and on conviction is liable to a fine of not more than \$5,000 for a first offence or not more than \$10,000 for a subsequent offence.

Regulations

1990, c. ...

17. Subject to the approval of the Lieutenant Governor in Council and with prior review by the Minister, the College may make regulations respecting the delegation to members of controlled acts set out in subsection 26 (2) of the *Health Professions Regulation Act, 1990*.

Transitional

18. A person who, on the day before this Act comes into force, is registered as a masseur under the *Drugless Practitioners Act*, being chapter 127 of the Revised Statutes of Ontario, 1980, is deemed to be the holder of a certificate of registration issued under this Act subject to any term, condition or limitation to which the registration was subject.

Transition
before Act
comes into
force

19.—(1) The transitional Council is the Board of Directors of Masseurs as it exists from time to time between the day this Act receives Royal Assent and the day it comes into force.

Powers of
transitional
Council
before Act in
force

(2) After this Act receives Royal Assent but before it comes into force, the transitional Council and its employees and committees may do anything that is necessary or advisable for the coming into force of this Act and that the Council and its employees and committees could do under this Act if it were in force.

Idem

(3) Without limiting the generality of subsection (2), the transitional Council may appoint a Registrar and the Registrar and the Council's committees may accept and process applications for the issue of certificates of registration, charge application fees and issue certificates of registration.

(4) The Minister may,

Powers of
Minister

(a) review the transitional Council's activities and require the transitional Council to provide reports and information;

(b) require the transitional Council to make, amend or revoke a regulation under this Act;

(c) require the transitional Council to do anything that, in the opinion of the Minister, is necessary or advisable to carry out the intent of this Act and the *Health Professions Regulation Act, 1990*.

1990, c. ...

(5) If the Minister has required the transitional Council to do anything under subsection (4), the transitional Council shall, within the time and in the manner specified by the Minister, comply with the requirement and submit a report.

Transitional
Council to
comply with
Minister's
request

(6) If the Minister requires the transitional Council to make, amend or revoke a regulation under clause (4) (b) and the transitional Council does not do so within sixty days, the Lieutenant Governor in Council may make, amend or revoke the regulation.

Regulations

(7) Subsection (6) does not give the Lieutenant Governor in Council authority to do anything that the transitional Council does not have authority to do.

Idem

(8) The Minister may pay the transitional Council for expenses incurred in complying with a requirement under subsection (4).

Minister may
pay expenses

20.—(1) After this Act comes into force, the transitional Council shall be the Council of the College if it is constituted in accordance with subsection 5 (1) or, if it is not, it shall be deemed to be the Council of the College until a new Council is constituted in accordance with subsection 5 (1) or until one year has elapsed, whichever comes first.

Transition
after Act
comes into
force

(2) The term of a member of the transitional Council shall continue for as long as the transitional Council is deemed to be the Council of the College.

Terms of
members of
transitional
Council

(3) The Lieutenant Governor in Council may appoint persons to fill vacancies on the transitional Council.

Vacancies

(4) Sections 7 to 12 do not apply to committees of the transitional Council.

Composition
of
committees
of transi-
tional
Council

Commence-
ment

21.—(1) This Act, except section 19, comes into force on a day to be named by proclamation of the Lieutenant Governor.

Idem

(2) Section 19 comes into force on the day this Act receives Royal Assent.

Idem

(3) Despite subsection (1), section 78 of the Health Professions Procedural Code, as it applies in respect of this Act, does not come into force until three years after this Act comes into force.

Short title

22. The short title of this Act is the *Massage Therapy Act, 1990*.

Bill 189

An Act to amend the Provincial Offences Act and the Highway Traffic Act

The Hon. I. Scott
Attorney General



1st Reading November 17th, 1988

2nd Reading

3rd Reading

Royal Assent

*Continued from the 1st Session by an Order of the
Legislative Assembly of March 2nd, 1989.*

EXPLANATORY NOTE

Section 91g of the *Provincial Offences Act* absolutely prohibits the publication of reports that disclose the identity of young persons who have committed offences or are alleged to have done so. The Bill creates a series of exceptions to this prohibition.

A complementary amendment is made to the *Highway Traffic Act*.

Bill 189**1989**

**An Act to amend the
Provincial Offences Act and the Highway Traffic Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 91g of the *Provincial Offences Act*, being chapter 400 of the Revised Statutes of Ontario, 1980, as enacted by the Statutes of Ontario, 1983, chapter 80, section 1, is amended by adding thereto the following subsection:

(3) Subsection (1) does not prohibit the following:

Exceptions

1. The disclosure of information by the young person concerned.
2. The disclosure of information by the young person's parent or lawyer, for the purpose of protecting the young person's interests.
3. The disclosure of information by a police officer, for the purpose of investigating an offence which the young person is suspected of having committed.
4. The disclosure of information to an insurer, to enable the insurer to investigate a claim arising out of an offence committed or alleged to have been committed by the young person.
5. The disclosure of information in the course of the administration of justice, but not for the purpose of making the information known in the community.
6. The disclosure of information by a person or member of a class of persons prescribed by the regulations, for a purpose prescribed by the regulations.

2. Subsection 194a (2) of the *Highway Traffic Act*, being chapter 198 of the Revised Statutes of Ontario, 1980, as

enacted by the Statutes of Ontario, 1985, chapter 13, section 17, is repealed.

Commence-
ment

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. The short title of this Act is the *Provincial Offences and Highway Traffic Amendment Act, 1989*.

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Bill 189

(Chapter 25
Statutes of Ontario, 1989)

An Act to amend the Provincial Offences Act and the Highway Traffic Act

The Hon. I. Scott
Attorney General

<i>1st Reading</i>	November 17th, 1988
<i>2nd Reading</i>	June 14th, 1989
<i>3rd Reading</i>	June 19th, 1989
<i>Royal Assent</i>	June 20th, 1989

*Continued from the 1st Session by an Order of the
Legislative Assembly of March 2nd, 1989.*

Bill 189**1989**

**An Act to amend the
Provincial Offences Act and the Highway Traffic Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 91g of the *Provincial Offences Act*, being chapter 400 of the Revised Statutes of Ontario, 1980, as enacted by the Statutes of Ontario, 1983, chapter 80, section 1, is amended by adding thereto the following subsection:

(3) Subsection (1) does not prohibit the following:

Exceptions

1. The disclosure of information by the young person concerned.
2. The disclosure of information by the young person's parent or lawyer, for the purpose of protecting the young person's interests.
3. The disclosure of information by a police officer, for the purpose of investigating an offence which the young person is suspected of having committed.
4. The disclosure of information to an insurer, to enable the insurer to investigate a claim arising out of an offence committed or alleged to have been committed by the young person.
5. The disclosure of information in the course of the administration of justice, but not for the purpose of making the information known in the community.
6. The disclosure of information by a person or member of a class of persons prescribed by the regulations, for a purpose prescribed by the regulations.

2. Subsection 194a (2) of the *Highway Traffic Act*, being chapter 198 of the Revised Statutes of Ontario, 1980, as

enacted by the Statutes of Ontario, 1985, chapter 13, section 17, is repealed.

Commence-
ment

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. The short title of this Act is the *Provincial Offences and Highway Traffic Amendment Act, 1989*.

Bill 190

An Act to amend the Animals for Research Act

Mr. Wildman



1st Reading November 22nd, 1988

2nd Reading

3rd Reading

Royal Assent

*Continued from the 1st Session by an Order of the
Legislative Assembly of March 2nd, 1989.*

EXPLANATORY NOTE

The purpose of the Bill is to prohibit the use of animals in non-medical experimentation involving the Draize Eye-Irritancy Test or the Classical LD50 Acute Toxicity Test and similar tests.

Bill 190

1989

An Act to amend the Animals for Research Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The *Animals for Research Act*, being chapter 22 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following section:

16a.—(1) In this section,

Definitions

“irritancy test” means the Draize Eye-Irritancy Test or a similar test to determine the relative irritancy of a preparation, product or substance using the conjunctival sac of any animal or by applying the preparation, product or substance directly to the skin of any animal;

“toxicity test” means the Classical LD50 Acute Toxicity Test or a similar test involving a lethal dose in which the protocol and objective of the test is to assess the toxicity of a preparation, product or substance against a predetermined level of mortality.

(2) Despite any provision of this or any other Act, no person shall use an animal in a toxicity test or an irritancy test without a license to do so issued by the Director.

Prohibition

(3) The Director shall issue a licence for the purpose of subsection (2) unless, in the opinion of the Director, the test is not necessary for the advancement of medical research or the test is intended primarily for the testing of consumer products.

Licence

(4) Where the Director is of the opinion that a test is not necessary for the advancement of medical research or is intended primarily for the testing of consumer products, the Director may, after a hearing, refuse to issue a licence.

Refusal to issue

(5) A test shall be deemed not necessary for the advancement of medical research if its purpose is to insure the safety

Idem

of a product whose primary use is for a purpose other than the treatment of disease.

Application
of provisions

(6) Sections 9, 10 and 11 apply with necessary modifications to the refusal of the Director to issue a license.

Commence-
ment

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. The short title of this Act is the *Animals for Research Amendment Act, 1989*.

Bill 191

An Act respecting the regulation of the Profession of Medical Laboratory Technology

The Hon. E. Caplan
Minister of Health



1st Reading June 6th, 1990
2nd Reading
3rd Reading
Royal Assent

EXPLANATORY NOTE

The Bill provides for the regulation of the profession of medical laboratory technology by the College of Laboratory technologists of Ontario, which is established. The Health Professions Procedural Code, which contains the main procedural provisions applicable in regulating the profession, is deemed to be part of the Bill in subsection 2 (1). Section 14 restricts the use of the title "medical laboratory technologist" to members. The remainder of the Bill relates to the internal working of the College and the regulation of the profession of medical laboratory technology.

Bill 191

1990

An Act respecting the regulation of the Profession of Medical Laboratory Technology

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Definitions

“College” means the College of Medical Laboratory Technologists of Ontario;

“Health Professions Procedural Code” means the Health Professions Procedural Code set out in Schedule 2 to the *Health Professions Regulation Act, 1990*;

1990, c. ...

“profession” means the profession of medical laboratory technology;

“this Act” includes the Health Professions Procedural Code.

2.—(1) The Health Professions Procedural Code is deemed to be part of this Act.

Health
Professions
Procedural
Code part of
this Act

(2) In the Health Professions Procedural Code as it applies in respect of this Act,

Terms in
Code

“profession” means the profession of medical laboratory technology;

“this Act” means this Act and the Health Professions Procedural Code.

(3) Definitions in the Health Professions Procedural Code apply with necessary modifications to terms in this Act.

Definitions in
Code

3. The practice of medical laboratory technology is the performance of laboratory investigations, and the evaluation

Scope of
practice

of their technical sufficiency, on specimens taken from the human body.

College
established

4. The College of Medical Laboratory Technologists of Ontario is established.

Council

5.—(1) The Council shall be composed of,

- (a) at least nine and no more than twelve persons who are members elected in the prescribed manner;
- (b) at least five and no more than seven persons appointed by the Lieutenant Governor in Council who are not,
 - (i) members,
 - (ii) members of a College as defined in the *Health Professions Regulation Act, 1990*, or
 - (iii) members of a Council as defined in the *Health Professions Regulation Act, 1990*; and
- (c) one or two persons selected in the prescribed manner from among members who are full time faculty members of an educational institution in Ontario that is authorized to grant diplomas in medical laboratory technology.

Who can
vote in
elections

(2) Subject to the regulations, every member who practises or resides in Ontario and who is not in default of payment of the annual membership fee is entitled to vote in an election of members of the Council.

President and
Vice-
President

6. The Council shall have a President and Vice-President who shall be elected annually by the Council from among the Council's members.

Executive
Committee

7.—(1) The Executive Committee shall be composed of,

- (a) the President and Vice-President of the Council;
- (b) two members of the Council who are members of the College; and
- (c) one member of the Council appointed to the Council by the Lieutenant Governor in Council.

President to
be chair

(2) The President of the Council shall be the chair of the Executive Committee.

- 8.** The Registration Committee shall be composed of, Registration Committee
- (a) two members of the Council who are members of the College; and
 - (b) one member of the Council appointed to the Council by the Lieutenant Governor in Council.
- 9.** The Complaints Committee shall be composed of, Complaints Committee
- (a) two members of the Council who are members of the College;
 - (b) one member of the Council appointed to the Council by the Lieutenant Governor in Council; and
 - (c) one member.
- 10.** The Discipline Committee shall be composed of, Discipline Committee
- (a) four members of the Council who are members of the College;
 - (b) two members of the Council appointed to the Council by the Lieutenant Governor in Council; and
 - (c) two members.
- 11.** The Fitness to Practise Committee shall be composed of, Fitness to Practise Committee
- (a) two members of the Council who are members of the College; and
 - (b) one member of the Council appointed to the Council by the Lieutenant Governor in Council.
- 12.** The Quality Assurance Committee shall be composed of, Quality Assurance Committee
- (a) three members of the Council who are members of the College;
 - (b) one member of the Council appointed to the Council by the Lieutenant Governor in Council; and
 - (c) two members.
- 13.** The Council shall appoint the members of the committees mentioned in sections 7 to 12. Appointment of committee members by Council

Restricted
titles

14.—(1) No person other than a member shall use the title “medical laboratory technologist”, a variation or abbreviation of it or its equivalent in another language in the course of providing or offering to provide, in Ontario, health care to individuals.

Representations of
qualification,
etc.

(2) No person other than a member shall hold himself or herself out as a person who is qualified to practise in Ontario as a medical laboratory technologist or in a specialty of medical laboratory technology.

Notice if
suggestions
referred to
Advisory
Council
1990, c. ...

15.—(1) The Registrar shall give a notice to each member if the Minister refers to the Advisory Council, as defined in the *Health Professions Regulation Act, 1990*, a suggested,

- (a) amendment to this Act;
- (b) amendment to a regulation made by the Council; or
- (c) regulation to be made by the Council.

Requirements
re notice

(2) A notice mentioned in subsection (1) shall set out the suggestion referred to the Advisory Council and the notice shall be given within thirty days after the Council of the College receives the Minister’s notice of the suggestion.

Offence

16. Every person who contravenes subsection 14 (1) or (2) is guilty of an offence and on conviction is liable to a fine of not more than \$5,000 for a first offence or not more than \$10,000 for a subsequent offence.

Regulations

17. Subject to the approval of the Lieutenant Governor in Council and with prior review by the Minister, the College may make regulations,

- (a) respecting the qualifications, number, selection and terms of office of Council members who are selected; and
- (b) respecting the delegation to members of controlled acts set out in subsection 26 (2) of the *Health Professions Regulation Act, 1990*.

Transition
before Act
comes into
force

18.—(1) The Lieutenant Governor in Council may appoint a transitional Council.

Powers of
transitional
Council
before Act in
force

(2) After this Act receives Royal Assent but before it comes into force, the transitional Council and its employees and committees may do anything that is necessary or advisable for the coming into force of this Act and that the Council and

its employees and committees could do under this Act if it were in force.

(3) Without limiting the generality of subsection (2), the transitional Council may appoint a Registrar and the Registrar and the Council's committees may accept and process applications for the issue of certificates of registration, charge application fees and issue certificates of registration.

Idem

(4) The Minister may,

Powers of Minister

- (a) review the transitional Council's activities and require the transitional Council to provide reports and information;
- (b) require the transitional Council to make, amend or revoke a regulation under this Act;
- (c) require the transitional Council to do anything that, in the opinion of the Minister, is necessary or advisable to carry out the intent of this Act and the *Health Professions Regulation Act, 1990*.

1990, c. ...

(5) If the Minister has required the transitional Council to do anything under subsection (4), the transitional Council shall, within the time and in the manner specified by the Minister, comply with the requirement and submit a report.

Transitional Council to comply with Minister's request

(6) If the Minister requires the transitional Council to make, amend or revoke a regulation under clause (4) (b) and the transitional Council does not do so within sixty days, the Lieutenant Governor in Council may make, amend or revoke the regulation.

Regulations

(7) Subsection (6) does not give the Lieutenant Governor in Council authority to do anything that the transitional Council does not have authority to do.

Idem

(8) The Minister may pay the transitional Council for expenses incurred in complying with a requirement under subsection (4).

Minister may pay expenses

19.—(1) After this Act comes into force, the transitional Council shall be the Council of the College if it is constituted in accordance with subsection 5 (1) or, if it is not, it shall be deemed to be the Council of the College until a new Council is constituted in accordance with subsection 5 (1) or until one year has elapsed, whichever comes first.

Transition after Act comes into force

Terms of
members of
transitional
Council

(2) The term of a member of the transitional Council shall not expire while the transitional Council is deemed to be the Council of the College.

Composition
of
committees
of transi-
tional
Council

(3) Sections 7 to 12 do not apply to committees of the transitional Council.

Commence-
ment

20.—(1) This Act, except section 18, comes into force on a day to be named by proclamation of the Lieutenant Governor.

Idem

(2) Section 18 comes into force on the day this Act receives Royal Assent.

Idem

(3) Despite subsection (1), section 78 of the Health Professions Procedural Code, as it applies in respect of this Act, does not come into force until three years after this Act comes into force.

Short title

21. The short title of this Act is the *Medical Laboratory Technology Act, 1990*.

Bill 192

An Act respecting the regulation of the Profession of Medical Radiation Technology

The Hon. E. Caplan
Minister of Health



1st Reading June 6th, 1990

2nd Reading

3rd Reading

Royal Assent

EXPLANATORY NOTE

The Bill provides for the regulation of the profession of medical radiation technology by the College of Medical Radiation Technologists of Ontario. The Board of Radiological Technicians is continued as the College. The Health Professions Procedural Code, which contains the main procedural provisions applicable in regulating the profession, is deemed to be part of the Bill in subsection 2 (1). Section 4 sets out the controlled acts that members of the College are authorized to perform. Section 15 restricts the use of the titles "medical radiation technologist" and "radiological technician". The remainder of the Bill relates to the internal working of the College and the regulation of the profession of medical radiation technology.

Bill 192

1990

An Act respecting the regulation of the Profession of Medical Radiation Technology

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Definitions

“College” means the College of Medical Radiation Technologists of Ontario;

“Health Professions Procedural Code” means the Health Professions Procedural Code set out in Schedule 2 to the *Health Professions Regulation Act, 1990*;

1990, c. ...

“profession” means the profession of medical radiation technology;

“this Act” includes the Health Professions Procedural Code.

2.—(1) The Health Professions Procedural Code is deemed to be part of this Act.

Health
Professions
Procedural
Code part of
this Act

(2) In the Health Professions Procedural Code as it applies in respect of this Act,

Terms in
Code

“profession” means the profession of medical radiation technology;

“this Act” means this Act and the Health Professions Procedural Code.

(3) Definitions in the Health Professions Procedural Code apply with necessary modifications to terms in this Act.

Definitions in
Code

3. The practice of medical radiation technology is the use of ionizing radiation to produce diagnostic images and tests,

Scope of
practice

the evaluation of their technical sufficiency, and the therapeutic application of ionizing radiation.

Authorized
acts

4. In the course of engaging in the practice of medical radiation technology, a member is authorized, subject to the terms, conditions and limitations imposed on his or her certificate of registration, to administer substances by injection on the order of a member of the College of Physicians and Surgeons of Ontario.

Board
continued as
College

5. The Board of Radiological Technicians is continued as the College of Medical Radiation Technologists of Ontario.

Council

6.—(1) The Council shall be composed of,

(a) at least seven and no more than ten persons who are members elected in the prescribed manner;

(b) at least four and no more than six persons appointed by the Lieutenant Governor in Council who are not,

(i) members,

(ii) members of a College as defined in the *Health Professions Regulation Act, 1990*, or

1990, c. ...

(iii) members of a Council as defined in the *Health Professions Regulation Act, 1990*; and

(c) one or two persons selected in the prescribed manner from among members who are faculty members of an educational institution in Ontario that is authorized to grant a diploma in radiation technology.

Who can
vote in
elections

(2) Subject to the regulations, every member who practises or resides in Ontario and who is not in default of payment of the annual membership fee is entitled to vote in an election of members of the Council.

President and
Vice-
President

7. The Council shall have a President and Vice-President who shall be elected annually by the Council from among the Council's members.

Executive
Committee

8.—(1) The Executive Committee shall be composed of,

(a) the President and Vice-President of the Council;

- (b) two members of the Council who are members of the College; and
- (c) one member of the Council appointed to the Council by the Lieutenant Governor in Council.

(2) The President of the Council shall be the chair of the Executive Committee. President to be chair

9. The Registration Committee shall be composed of, Registration Committee

- (a) two members of the Council who are members of the College;
- (b) one member of the Council appointed to the Council by the Lieutenant Governor in Council; and
- (c) one member.

10. The Complaints Committee shall be composed of, Complaints Committee

- (a) two members of the Council who are members of the College;
- (b) one member of the Council appointed to the Council by the Lieutenant Governor in Council; and
- (c) one member.

11. The Discipline Committee shall be composed of, Discipline Committee

- (a) three members of the Council who are members of the College;
- (b) two members of the Council appointed to the Council by the Lieutenant Governor in Council; and
- (c) two members.

12. The Fitness to Practise Committee shall be composed of, Fitness to Practise Committee

- (a) two members of the Council who are members of the College;
- (b) one member of the Council appointed to the Council by the Lieutenant Governor in Council; and
- (c) one member.

Quality Assurance Committee

13. The Quality Assurance Committee shall be composed of,

- (a) two members of the Council who are members of the College;
- (b) one member of the Council appointed to the Council by the Lieutenant Governor in Council; and
- (c) two members.

Appointment of committee members by Council

14. The Council shall appoint the members of the committees mentioned in sections 8 to 13.

Restricted titles

15.—(1) No person other than a member shall use the title “medical radiation technologist”, a variation or abbreviation of it or its equivalent in another language in the course of providing or offering to provide, in Ontario, health care to individuals.

Idem.

(2) No person shall use the title “radiological technician” or a variation or abbreviation of it.

Representations of qualification, etc.

(3) No person other than a member shall hold himself or herself out as a person who is qualified to practise in Ontario as a medical radiation technologist or in a specialty of medical radiation technology.

Exception

(4) Despite subsection (2), a member may use the title “radiological technician” or a variation or abbreviation of it for three years after this Act comes into force.

Notice if suggestions referred to Advisory Council 1990, c. ...

16.—(1) The Registrar shall give a notice to each member if the Minister refers to the Advisory Council, as defined in the *Health Professions Regulation Act, 1990*, a suggested,

- (a) amendment to this Act;
- (b) amendment to a regulation made by the Council; or
- (c) regulation to be made by the Council.

Requirements re notice

(2) A notice mentioned in subsection (1) shall set out the suggestion referred to the Advisory Council and the notice shall be given within thirty days after the Council of the College receives the Minister’s notice of the suggestion.

Offence

17. Every person who contravenes subsection 15 (1), (2) or (3) is guilty of an offence and on conviction is liable to a

fine of not more than \$5,000 for a first offence or not more than \$10,000 for a subsequent offence.

18. Subject to the approval of the Lieutenant Governor in Council and with prior review by the Minister, the College may make regulations, Regulations

(a) respecting the qualifications, number, selection and terms of office of Council members who are selected; and

(b) respecting the delegation to members of controlled acts set out in subsection 26 (2) of the *Health Professions Regulation Act, 1990*. 1990, c. ...

19. A person who, on the day before this Act comes into force, is registered under the *Radiological Technicians Act*, being chapter 430 of the Revised Statutes of Ontario, 1980, is deemed to be the holder of a certificate of registration issued under this Act subject to any term, condition or limitation to which the registration was subject. Transition

20.—(1) The transitional Council is the Board of Radiological Technicians as it exists from time to time between the day this Act receives Royal Assent and the day it comes into force. Transition
before Act
comes into
force

(2) After this Act receives Royal Assent but before it comes into force, the transitional Council and its employees and committees may do anything that is necessary or advisable for the coming into force of this Act and that the Council and its employees and committees could do under this Act if it were in force. Powers of
transitional
Council
before Act in
force

(3) Without limiting the generality of subsection (2), the transitional Council may appoint a Registrar and the Registrar and the Council's committees may accept and process applications for the issue of certificates of registration, charge application fees and issue certificates of registration. Idem

(4) The Minister may, Powers of
Minister

(a) review the transitional Council's activities and require the transitional Council to provide reports and information;

(b) require the transitional Council to make, amend or revoke a regulation under this Act;

- (c) require the transitional Council to do anything that, in the opinion of the Minister, is necessary or advisable to carry out the intent of this Act and the *Health Professions Regulation Act, 1990*.

1990, c. ...

Transitional Council to comply with Minister's request

- (5) If the Minister has required the transitional Council to do anything under subsection (4), the transitional Council shall, within the time and in the manner specified by the Minister, comply with the requirement and submit a report.

Regulations

- (6) If the Minister requires the transitional Council to make, amend or revoke a regulation under clause (4) (b) and the transitional Council does not do so within sixty days, the Lieutenant Governor in Council may make, amend or revoke the regulation.

Idem

- (7) Subsection (6) does not give the Lieutenant Governor in Council authority to do anything that the transitional Council does not have authority to do.

Minister may pay expenses

- (8) The Minister may pay the transitional Council for expenses incurred in complying with a requirement under subsection (4).

Transition after Act comes into force

- 21.**—(1) After this Act comes into force, the transitional Council shall be the Council of the College if it is constituted in accordance with subsection 6 (1) or, if it is not, it shall be deemed to be the Council of the College until a new Council is constituted in accordance with subsection 6 (1) or until one year has elapsed, whichever comes first.

Terms of members of transitional Council

- (2) The term of a member of the transitional Council shall not expire while the transitional Council is deemed to be the Council of the College.

Vacancies

- (3) The Lieutenant Governor in Council may appoint persons to fill vacancies on the transitional Council.

Composition of committees of transitional Council

- (4) Sections 8 to 13 do not apply to committees of the transitional Council.

Commencement

- 22.**—(1) This Act, except section 20, comes into force on a day to be named by proclamation of the Lieutenant Governor.

Idem

- (2) Section 20 comes into force on the day this Act receives Royal Assent.

(3) Despite subsection (1), section 78 of the Health Professions Procedural Code, as it applies in respect of this Act, does not come into force until three years after this Act comes into force. Idem

23. The short title of this Act is the *Medical Radiation Technology Act, 1990*. Short title

Bill 193

An Act respecting the regulation of the Profession of Medicine

The Hon. E. Caplan
Minister of Health



1st Reading June 6th, 1990

2nd Reading

3rd Reading

Royal Assent

EXPLANATORY NOTE

The Bill provides for the regulation of the profession of medicine by the College of Physicians and Surgeons of Ontario which is continued. The Health Professions Procedural Code, which contains the main procedural provisions applicable in regulating the profession, is deemed to be part of the Bill in section 2. Section 3 sets out the controlled acts that members of the College are authorized to perform. Section 16 restricts the use of the titles "osteopath", "physician" and "surgeon" to members with an exception for dentists. The remainder of the Bill relates to the internal working of the College and the regulation of the profession of medicine.

Bill 193

1990

An Act respecting the regulation of the Profession of Medicine

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Definitions

“College” means the College of Physicians and Surgeons of Ontario;

“Health Professions Procedural Code” means the Health Professions Procedural Code set out in Schedule 2 to the *Health Professions Regulation Act, 1990*;

1990, c. ...

“profession” means the profession of medicine;

“this Act” includes the Health Professions Procedural Code.

2.—(1) The Health Professions Procedural Code is deemed to be part of this Act.

Health Professions Procedural Code part of this Act

(2) In the Health Professions Procedural Code as it applies in respect of this Act,

Terms in Code

“profession” means the profession of medicine;

“this Act” means this Act and the Health Professions Procedural Code.

(3) Definitions in the Health Professions Procedural Code apply with necessary modifications to terms in this Act.

Definitions in Code

3. The practice of medicine is the assessment of the physical or mental condition of an individual and the diagnosis, treatment and prevention of any disease, dysfunction or disorder.

Scope of practice

Authorized
acts

4. In the course of engaging in the practice of medicine, a member is authorized, subject to the terms, conditions and limitations imposed on his or her certificate of registration, to perform the following:

1. Communicating a conclusion identifying a disease, disorder or dysfunction as the cause of a person's symptoms.
2. Performing a procedure on tissue below the dermis, below the surface of a mucous membrane, in or below the surface of the cornea or in or below the surfaces of the teeth.
3. Setting or casting a fracture of a bone or a dislocation of a joint.
4. Moving the joints of the spine beyond a person's usual physiological range of motion using a fast, low amplitude thrust.
5. Administering a substance by injection or inhalation.
6. Putting an instrument, hand or finger,
 - i. beyond the external ear canal,
 - ii. beyond the opening of the nostrils,
 - iii. beyond the larynx,
 - iv. beyond the urethra,
 - v. beyond the majora labia,
 - vi. beyond the anal verge, or
 - vii. into an artificial opening into the body.
7. Applying or ordering the application of a prescribed form of energy.
8. Prescribing, dispensing, selling or compounding a drug.
9. Prescribing or dispensing, for vision or eye problems, subnormal vision devices, contact lenses or eye glasses.

10. Prescribing a hearing aid for a hearing impaired person.
11. Managing labour or conducting the delivery of a baby.
12. Allergy challenge testing of a kind in which a positive result is a significant allergic response.

5. The College is continued.

College
continued

6.—(1) The Council shall be composed of,

Council

- (a) sixteen persons who are members elected in the prescribed manner;
- (b) nine persons appointed by the Lieutenant Governor in Council who are not,
 - (i) members,
 - (ii) members of a College as defined in the *Health Professions Regulation Act, 1990*, or
 - (iii) members of a Council as defined in the *Health Professions Regulation Act, 1990*; and
- (c) three persons selected in the prescribed manner from among members who are members of a faculty of medicine of a university in Ontario.

1990, c. ...

(2) Subject to the regulations, every member who practises or resides in Ontario and who is not in default of payment of the annual membership fee is entitled to vote in an election of members of the Council.

Who can
vote in
elections

7. The Council shall have a President and Vice-President who shall be elected annually by the Council from among the Council's members.

President and
Vice-
President

8.—(1) The Executive Committee shall be composed of,

Executive
Committee

- (a) the President and Vice-President of the Council;
- (b) two members of the Council who are members of the College; and
- (c) one or two members of the Council appointed to the Council by the Lieutenant Governor in Council.

President to
be chair

(2) The President of the Council shall be the chair of the Executive Committee.

Registration
Committee

9. The Registration Committee shall be composed of,

- (a) five members of the Council who are members of the College; and
- (b) two members of the Council appointed to the Council by the Lieutenant Governor in Council.

Complaints
Committee

10. The Complaints Committee shall be composed of,

- (a) two members of the Council who are members of the College;
- (b) two members of the Council appointed to the Council by the Lieutenant Governor in Council; and
- (c) four members.

Discipline
Committee

11. The Discipline Committee shall be composed of,

- (a) four members of the Council who are members of the College;
- (b) four members of the Council appointed to the Council by the Lieutenant Governor in Council; and
- (c) four members.

Fitness to
Practise
Committee

12. The Fitness to Practise Committee shall be composed of,

- (a) three members of the Council who are members of the College;
- (b) two members of the Council appointed to the Council by the Lieutenant Governor in Council; and
- (c) three members.

Quality
Assurance
Committee

13. The Quality Assurance Committee shall be composed of,

- (a) five members of the Council who are members of the College;

- (b) two members of the Council appointed to the Council by the Lieutenant Governor in Council; and
- (c) three members.

14. The Council shall appoint the members of the committees mentioned in sections 8 to 13.

Appointment of committee members by Council

15. The Council may give the Medical Review Committee continued under the *Health Insurance Act* duties that are not inconsistent with the Committee's duties under that Act.

Imposition of duties on the Medical Review Committee
R.S.O. 1980, c. 197

16.—(1) No person other than a member shall use the titles "osteopath", "physician" or "surgeon", a variation or abbreviation of them or their equivalents in another language in the course of providing or offering to provide, in Ontario, health care to individuals.

Restricted titles

(2) Subsection (1) does not apply to the use of the title "surgeon", a variation or abbreviation of it or its equivalent in another language by a member of the Royal College of Dental Surgeons of Ontario.

Dentists excepted

(3) No person other than a member shall hold himself or herself out as a person who is qualified to practise in Ontario as an osteopath, physician or surgeon or in a specialty of medicine.

Representations of qualification, etc.

17. In addition to the grounds set out in subsection 49 (1) of the Health Professions Procedural Code, a panel of the Discipline Committee shall find that a member has committed an act of professional misconduct if a notice under the *Food and Drugs Act* (Canada) or the *Narcotic Control Act* (Canada) has been given to licensed dealers and pharmacists respecting the member.

Additional grounds for misconduct

R.S.C. 1985, cc. F-27, N-1

18.—(1) The Registrar shall give a notice to each member if the Minister refers, to the Advisory Council as defined in the *Health Professions Regulation Act, 1990*, a suggested,

Notice if suggestions referred to Advisory Council
1990, c. ...

- (a) amendment to this Act;
- (b) amendment to a regulation made by the Council; or
- (c) regulation to be made by the Council.

(2) A notice mentioned in subsection (1) shall set out the suggestion referred to the Advisory Council and the notice

Requirements re notice

shall be given within thirty days after the Council of the College receives the Minister's notice of the suggestion.

Offence

19. Every person who contravenes subsection 16 (1) or (3) is guilty of an offence and on conviction is liable to a fine of not more than \$5,000 for a first offence or not more than \$10,000 for a subsequent offence.

Regulations

20. Subject to the approval of the Lieutenant Governor in Council and with prior review by the Minister, the College may make regulations,

- (a) respecting the qualifications, selection and terms of office of Council members who are selected;
- (b) regulating the compounding, dispensing and sale of drugs by members, requiring members to keep prescribed records and to provide to the Minister reports containing prescribed information respecting the compounding, dispensing and sale of drugs; and
- (c) respecting the delegation by members of controlled acts set out in subsection 26 (2) of the *Health Professions Regulation Act, 1990*.

1990, c. ...

Transitional

21. A person who, on the day before this Act comes into force, holds a licence issued under Part III of the *Health Disciplines Act*, being chapter 196 of the Revised Statutes of Ontario, 1980, is deemed to be the holder of a certificate of registration issued under this Act subject to any term, condition or limitation to which the licence was subject.

Transition
before Act
comes into
force

22.—(1) The transitional Council is the Council of the College of Physicians and Surgeons of Ontario as it exists from time to time between the day this Act receives Royal Assent and the day it comes into force.

Powers of
transitional
Council
before Act in
force

(2) After this Act receives Royal Assent but before it comes into force, the transitional Council and its employees and committees may do anything that is necessary or advisable for the coming into force of this Act and that the Council and its employees and committees could do under this Act if it were in force.

Idem

(3) Without limiting the generality of subsection (2), the transitional Council may appoint a Registrar and the Registrar and the Council's committees may accept and process applications for the issue of certificates of registration, charge application fees and issue certificates of registration.

(4) The Minister may,	Powers of Minister
(a) review the transitional Council's activities and require the transitional Council to provide reports and information;	
(b) require the transitional Council to make, amend or revoke a regulation under this Act;	
(c) require the transitional Council to do anything that, in the opinion of the Minister, is necessary or advisable to carry out the intent of this Act and the <i>Health Professions Regulation Act, 1990</i> .	1990, c. ...
(5) If the Minister has required the transitional Council to do anything under subsection (4), the transitional Council shall, within the time and in the manner specified by the Minister, comply with the requirement and submit a report.	Transitional Council to comply with Minister's request
(6) If the Minister requires the transitional Council to make, amend or revoke a regulation under clause (4) (b) and the transitional Council does not do so within sixty days, the Lieutenant Governor in Council may make, amend or revoke the regulation.	Regulations
(7) Subsection (6) does not give the Lieutenant Governor in Council authority to do anything that the transitional Council does not have authority to do.	Idem
(8) The Minister may pay the transitional Council for expenses incurred in complying with a requirement under subsection (4).	Minister may pay expenses
23. —(1) After this Act comes into force, the transitional Council shall be the Council of the College if it is constituted in accordance with subsection 6 (1) or, if it is not, it shall be deemed to be the Council of the College until a new Council is constituted in accordance with subsection 6 (1) or until one year has elapsed, whichever comes first.	Transition after Act comes into force
(2) The term of a member of the transitional Council shall continue for as long as the transitional Council is deemed to be the Council of the College.	Terms of members of transitional Council
(3) The Lieutenant Governor in Council may appoint persons to fill vacancies on the transitional Council.	Vacancies
(4) Sections 8 to 13 do not apply to committees of the transitional Council.	Composition of committees of transitional Council

Commence-
ment

24.—(1) This Act, except section 22, comes into force on a day to be named by proclamation of the Lieutenant Governor.

Idem

(2) Section 22 comes into force on the day this Act receives Royal Assent.

Idem

(3) Despite subsection (1), section 78 of the Health Professions Procedural Code, as it applies in respect of this Act, does not come into force until three years after this Act comes into force.

Short title

25. The short title of this Act is the *Medicine Act, 1990*.

Bill 194

An Act to restrict Smoking in Workplaces

The Hon. G. Sorbara
Minister of Labour



1st Reading November 30th, 1988
2nd Reading
3rd Reading
Royal Assent

*Continued from the 1st Session by an Order of the
Legislative Assembly of March 2nd, 1989.*

EXPLANATORY NOTE

Under the Bill smoking is prohibited in all areas of a workplace except in designated smoking areas, public areas, areas used for lodging and private dwellings.

Bill 194

1989

An Act to restrict Smoking in Workplaces

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act, Definitions

“enclosed workplace” means an enclosed building or structure in which an employee works and includes a shaft, tunnel, caisson or similar enclosed space;

“smoking” includes carrying a lighted cigar, cigarette or pipe and “smoke” has a corresponding meaning.

2.—(1) No person shall smoke in an enclosed workplace. Prohibition

(2) Subsection (1) does not apply so as to prohibit smoking, Exception

- (a) in a smoking area designated by an employer under subsection 3 (1);
- (b) in an area used primarily for serving the public;
- (c) in an area used primarily for lodging; or
- (d) in a private dwelling.

3.—(1) An employer may designate one or more areas in an enclosed workplace as smoking areas. Designated smoking areas

(2) The total space for designated smoking areas at an enclosed workplace shall not exceed 25 per cent of the total floor area of the enclosed workplace, exclusive of the places described in clauses 2 (2) (b), (c) and (d). Maximum area permitted

(3) An employer shall consult with the joint health and safety committee or the health and safety representative, if any, at the workplace before establishing a designated smoking area. Consultation required

Definitions	(4) In subsection (3), “health and safety representative” means a health and safety representative selected under the <i>Occupational Health and Safety Act</i> ; “joint health and safety committee” means a joint health and safety committee established under section 8 of the <i>Occupational Health and Safety Act</i> or a similar committee or arrangement, program or system in which employees participate.
R.S.O. 1980, c. 321	
Signs required	4. An employer shall post and keep posted such signs as may be prescribed respecting smoking in a workplace.
Obligation of employer	5. An employer shall make every reasonable effort to ensure that no person contravenes subsection 2 (1).
Inspection and enforcement	6.—(1) An inspector appointed under the <i>Occupational Health and Safety Act</i> may inspect enclosed workplaces to determine whether this Act is being complied with.
Powers of inspector	(2) For the purpose of subsection (1), an inspector, (a) may enter an enclosed workplace, other than a private dwelling, at any time without warrant or notice; (b) may require the production of any drawings, specifications or floor plans for an enclosed workplace, other than a private dwelling, and may inspect, examine and copy them; and (c) may make inquiries of any person who is or was in a workplace.
Obstruction	(3) No person shall hinder, obstruct or interfere with an inspector in the execution of the inspector’s duties under this section.
Orders by inspectors	7.—(1) If an inspector finds that an employer is not complying with section 4 or 5, the inspector may order the employer or a person whom the inspector believes to be in charge of the workplace to comply with the provision and may require the order to be carried out forthwith or within such period of time as the inspector specifies.
Contents of order	(2) An order made under subsection (1) shall indicate generally the nature and, when appropriate, the location of the non-compliance.

(3) An inspector is not required to hold or afford to an employer or another person an opportunity for a hearing before making an order under subsection (1).

No hearing required before making order

(4) An order under subsection (1) may be appealed.

Appeals from order of an inspector

(5) Section 32 of the *Occupational Health and Safety Act* applies with necessary modifications to an appeal of an order under subsection (1).

Idem
R.S.O. 1980, c. 321

8.—(1) Every person who contravenes subsection 2 (1) or 6 (3) is guilty of an offence and on conviction is liable to a fine of not more than \$2,000.

Offence

(2) Every employer who fails to comply with section 4 or 5 or an order made under subsection 7 (1) is guilty of an offence and on conviction is liable to a fine of not more than \$2,000.

Idem

(3) Every person who causes, authorizes, permits or participates in an offence under subsection (2) is guilty of an offence and on conviction is liable to a fine of not more than \$2,000.

Derivative

9. The Lieutenant Governor in Council may make regulations prescribing signs and providing for their use.

Regulations

10.—(1) In the event of conflict between this Act and another Act or a regulation or a municipal by-law respecting smoking in a workplace, the provision that is the most restrictive of smoking prevails.

Conflict with other Acts, etc.

(2) Nothing in this Act prevents a municipality from passing by-laws respecting smoking in workplaces.

Municipal by-laws

11. This Act binds the Crown.

Binding on the Crown

12. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Commencement

13. The short title of this Act is the *Smoking in the Workplace Act, 1989*.

Short title

Bill 194

An Act to restrict Smoking in Workplaces

The Hon. G. Sorbara
Minister of Labour



1st Reading November 30th, 1988
2nd Reading March 2nd, 1989
3rd Reading
Royal Assent

(Reprinted as amended by the Social Development Committee)

EXPLANATORY NOTE

Under the Bill smoking is prohibited in all areas of a workplace except in designated smoking areas, public areas, areas used for lodging and private dwellings.

Bill 194

1989

An Act to restrict Smoking in Workplaces

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Definitions

“employee” includes a person whose services are contracted for by an employer;

“employer” means a person who employs one or more employees or who contracts for the services of one or more persons;

“enclosed workplace” means an enclosed building or structure in which an employee works and includes a shaft, tunnel, caisson or similar enclosed space;

“smoking” includes carrying a lighted cigar, cigarette or pipe and “smoke” has a corresponding meaning.

2.—(1) No person shall smoke in an enclosed workplace.

Prohibition

(2) Subsection (1) does not apply so as to prohibit smoking,

Exception

- (a) in a smoking area designated by an employer under subsection 3 (1);
- (b) in an area used primarily by the public;
- (c) in an area used primarily for lodging; or
- (d) in a private dwelling.

3.—(1) An employer may designate one or more locations in an enclosed workplace as smoking areas.

Designated smoking areas

(2) The total space for designated smoking areas at an enclosed workplace shall not exceed 25 per cent of the total

Maximum area permitted

floor area of the enclosed workplace, exclusive of the places described in clauses 2 (2) (b), (c) and (d).

Consultation
required

(3) An employer shall consult with the joint health and safety committee or the health and safety representative, if any, at the workplace before establishing a designated smoking area.

Definitions

(4) In subsection (3),

R.S.O. 1980,
c. 321

“health and safety representative” means a health and safety representative selected under the *Occupational Health and Safety Act*;

“joint health and safety committee” means a joint health and safety committee established under section 8 of the *Occupational Health and Safety Act* or a similar committee or arrangement, program or system in which employees participate.

Signs
required

4.—(1) An employer shall post and keep posted such signs as may be prescribed respecting smoking in a workplace.

Idem

(2) An employer shall post signs that identify designated smoking areas in a workplace.

Obligation of
employer

5.—(1) An employer shall make every reasonable effort to ensure that no person contravenes subsection 2 (1).

Idem

(2) An employer shall make every reasonable effort to accommodate employees who request that they work in a place separate from a designated smoking area.

Inspection
and
enforcement

6.—(1) An inspector appointed under the *Occupational Health and Safety Act* may inspect enclosed workplaces to determine whether this Act is being complied with.

Powers of
inspector

(2) For the purpose of subsection (1), an inspector,

- (a) may enter an enclosed workplace, other than a private dwelling, at any time without warrant or notice;
- (b) may require the production of any drawings, specifications or floor plans for an enclosed workplace, other than a private dwelling, and may inspect, examine and copy them; and
- (c) may make inquiries of any person who is or was in a workplace.

(3) No person shall hinder, obstruct or interfere with an inspector in the execution of the inspector's duties under this section.

Obstruction

7.—(1) If an inspector finds that an employer is not complying with section 4 or 5, the inspector may order the employer or a person whom the inspector believes to be in charge of the workplace to comply with the provision and may require the order to be carried out forthwith or within such period of time as the inspector specifies.

Orders by inspectors

(2) An order made under subsection (1) shall indicate generally the nature and, when appropriate, the location of the non-compliance.

Contents of order

(3) An inspector is not required to hold or afford to an employer or another person an opportunity for a hearing before making an order under subsection (1).

No hearing required before making order

(4) An order under subsection (1) may be appealed.

Appeals from order of an inspector

(5) Section 32 of the *Occupational Health and Safety Act* applies with necessary modifications to an appeal of an order under subsection (1).

Idem
R.S.O. 1980, c. 321

8.—(1) No employer or person acting on behalf of an employer,

Prohibition

(a) shall dismiss or threaten to dismiss an employee;

(b) shall discipline or suspend an employee or threaten to do so;

(c) shall impose a penalty upon an employee; or

(d) shall intimidate or coerce an employee,

because the employee has acted in accordance with or has sought the enforcement of this Act.

(2) Subsections 24 (2) to (8) of the *Occupational Health and Safety Act* apply with necessary modifications when an employee complains that subsection (1) has been contravened.

Application of
R.S.O. 1980, c. 321

9.—(1) Every person who contravenes subsection 2 (1) or 6 (3) is guilty of an offence.

Offence

Idem	(2) Every employer who fails to comply with section 4 or 5 or an order made under subsection 7 (1) or who contravenes subsection 8 (1) is guilty of an offence.
Derivative	(3) Every person who causes, authorizes, permits or participates in an offence under subsection (2) is guilty of an offence.
Penalty	(4) On conviction of an offence, (a) every person who is not an employer is liable to a fine of not more than \$500; and (b) every employer is liable to a fine of not more than \$25,000. ▲
Regulations	10. The Lieutenant Governor in Council may make regulations prescribing signs and providing for their use.
Conflict with other Acts, etc.	11. —(1) In the event of conflict between this Act and another Act or a regulation or a municipal by-law respecting smoking in a workplace, the provision that is the most restrictive of smoking prevails.
Municipal by-laws	(2) Nothing in this Act prevents a municipality from passing by-laws respecting smoking in workplaces. ▼
Rights of employers, employees	(3) Nothing in this Act derogates from the right of an employer to prohibit smoking in a workplace or from the rights of an employee to a smoke-free workplace. ▲
Binding on the Crown	12. This Act binds the Crown.
Commencement	13. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.
Short title	14. The short title of this Act is the <i>Smoking in the Workplace Act, 1989</i> .

Bill 194

*(Chapter 48
Statutes of Ontario, 1989)*

An Act to restrict Smoking in Workplaces

The Hon. G. Sorbara
Minister of Labour

<i>1st Reading</i>	November 30th, 1988
<i>2nd Reading</i>	March 2nd, 1989
<i>3rd Reading</i>	July 26th, 1989
<i>Royal Assent</i>	July 26th, 1989

*Continued from the 1st Session by an Order of the
Legislative Assembly of March 2nd, 1989.*

Bill 194

1989

An Act to restrict Smoking in Workplaces

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Definitions

“employee” includes a person whose services are contracted for by an employer;

“employer” means a person who employs one or more employees or who contracts for the services of one or more persons;

“enclosed workplace” means an enclosed building or structure in which an employee works and includes a shaft, tunnel, caisson or similar enclosed space;

“smoking” includes carrying a lighted cigar, cigarette or pipe and “smoke” has a corresponding meaning.

2.—(1) No person shall smoke in an enclosed workplace.

Prohibition

(2) Subsection (1) does not apply so as to prohibit smoking,

Exception

- (a) in a smoking area designated by an employer under subsection 3 (1);
- (b) in an area used primarily by the public;
- (c) in an area used primarily for lodging; or
- (d) in a private dwelling.

3.—(1) An employer may designate one or more locations in an enclosed workplace as smoking areas.

Designated smoking areas

(2) The total space for designated smoking areas at an enclosed workplace shall not exceed 25 per cent of the total

Maximum area permitted

floor area of the enclosed workplace, exclusive of the places described in clauses 2 (2) (b), (c) and (d).

Consultation
required

(3) An employer shall consult with the joint health and safety committee or the health and safety representative, if any, at the workplace before establishing a designated smoking area.

Definitions

(4) In subsection (3),

R.S.O. 1980,
c. 321

“health and safety representative” means a health and safety representative selected under the *Occupational Health and Safety Act*;

“joint health and safety committee” means a joint health and safety committee established under section 8 of the *Occupational Health and Safety Act* or a similar committee or arrangement, program or system in which employees participate.

Signs
required

4.—(1) An employer shall post and keep posted such signs as may be prescribed respecting smoking in a workplace.

Idem

(2) An employer shall post signs that identify designated smoking areas in a workplace.

Obligation of
employer

5.—(1) An employer shall make every reasonable effort to ensure that no person contravenes subsection 2 (1).

Idem

(2) An employer shall make every reasonable effort to accommodate employees who request that they work in a place separate from a designated smoking area.

Inspection
and
enforcement

6.—(1) An inspector appointed under the *Occupational Health and Safety Act* may inspect enclosed workplaces to determine whether this Act is being complied with.

Powers of
inspector

(2) For the purpose of subsection (1), an inspector,

- (a) may enter an enclosed workplace, other than a private dwelling, at any time without warrant or notice;
- (b) may require the production of any drawings, specifications or floor plans for an enclosed workplace, other than a private dwelling, and may inspect, examine and copy them; and
- (c) may make inquiries of any person who is or was in a workplace.

(3) No person shall hinder, obstruct or interfere with an inspector in the execution of the inspector's duties under this section. Obstruction

7.—(1) If an inspector finds that an employer is not complying with section 4 or 5, the inspector may order the employer or a person whom the inspector believes to be in charge of the workplace to comply with the provision and may require the order to be carried out forthwith or within such period of time as the inspector specifies. Orders by inspectors

(2) An order made under subsection (1) shall indicate generally the nature and, when appropriate, the location of the non-compliance. Contents of order

(3) An inspector is not required to hold or afford to an employer or another person an opportunity for a hearing before making an order under subsection (1). No hearing required before making order

(4) An order under subsection (1) may be appealed. Appeals from order of an inspector

(5) Section 32 of the *Occupational Health and Safety Act* applies with necessary modifications to an appeal of an order under subsection (1). Idem R.S.O. 1980, c. 321

8.—(1) No employer or person acting on behalf of an employer, Prohibition

- (a) shall dismiss or threaten to dismiss an employee;
- (b) shall discipline or suspend an employee or threaten to do so;
- (c) shall impose a penalty upon an employee; or
- (d) shall intimidate or coerce an employee,

because the employee has acted in accordance with or has sought the enforcement of this Act.

(2) Subsections 24 (2) to (8) of the *Occupational Health and Safety Act* apply with necessary modifications when an employee complains that subsection (1) has been contravened. Application of R.S.O. 1980, c. 321

9.—(1) Every person who contravenes subsection 2 (1) or 6 (3) is guilty of an offence. Offence

Idem	(2) Every employer who fails to comply with section 4 or 5 or an order made under subsection 7 (1) or who contravenes subsection 8 (1) is guilty of an offence.
Derivative	(3) Every person who causes, authorizes, permits or participates in an offence under subsection (2) is guilty of an offence.
Penalty	(4) On conviction of an offence, (a) every person who is not an employer is liable to a fine of not more than \$500; and (b) every employer is liable to a fine of not more than \$25,000.
Regulations	10. The Lieutenant Governor in Council may make regulations prescribing signs and providing for their use.
Conflict with other Acts, etc.	11. —(1) In the event of conflict between this Act and another Act or a regulation or a municipal by-law respecting smoking in a workplace, the provision that is the most restrictive of smoking prevails.
Municipal by-laws	(2) Nothing in this Act prevents a municipality from passing by-laws respecting smoking in workplaces.
Rights of employers, employees	(3) Nothing in this Act derogates from the right of an employer to prohibit smoking in a workplace or from the rights of an employee to a smoke-free workplace.
Binding on the Crown	12. This Act binds the Crown.
Commencement	13. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.
Short title	14. The short title of this Act is the <i>Smoking in the Workplace Act, 1989</i> .

Bill 195

An Act respecting the regulation of the Profession of Midwifery

The Hon. E. Caplan
Minister of Health



1st Reading June 6th, 1990
2nd Reading
3rd Reading
Royal Assent

EXPLANATORY NOTE

The Bill provides for the regulation of the profession of midwifery by the College of Midwives of Ontario which is established. The Health Professions Procedural Code, which contains the main procedural provisions applicable in regulating the profession, is deemed to be part of the Bill in subsection 2 (1). Section 4 sets out the controlled acts that members of the College are authorized to perform. Section 15 restricts the use of the title "midwife" to members. The remainder of the Bill relates to the internal working of the College and the regulation of the profession of midwifery.

Bill 195

1990

An Act respecting the regulation of the Profession of Midwifery

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Definitions

“College” means the College of Midwives of Ontario;

“Health Professions Procedural Code” means the Health Professions Procedural Code set out in Schedule 2 to the *Health Professions Regulation Act, 1990*;

1990, c. ...

“profession” means the profession of midwifery;

“this Act” includes the Health Professions Procedural Code.

2.—(1) The Health Professions Procedural Code is deemed to be part of this Act.

Health Professions
Procedural
Code part of
this Act

(2) In the Health Professions Procedural Code as it applies in respect of this Act,

Terms in
Code

“profession” means the profession of midwifery;

“this Act” means this Act and the Health Professions Procedural Code.

(3) Definitions in the Health Professions Procedural Code apply with necessary modifications to terms in this Act.

Definitions in
Code

3. The practice of midwifery is the assessment and monitoring of women during pregnancy, labour and the post-partum period and of their newborn babies, the provision of care during normal pregnancy, labour and post-partum period and the conducting of spontaneous normal vaginal deliveries.

Scope of
practice

Authorized
acts

4. In the course of engaging in the practice of midwifery, a member is authorized, subject to the terms, conditions and limitations imposed on his or her certificate of registration, to perform the following:

1. Managing labour and conducting spontaneous normal vaginal deliveries.
2. Performing episiotomies and amniotomies and repairing episiotomies and lacerations, not involving the anus, anal sphincter, rectum, urethra and perineal area.
3. Administering a substance by injection or inhalation.
4. Putting an instrument, hand or finger beyond the labia majora during pregnancy, labour and the postpartum period.

College
established
Council

5. The College of Midwives of Ontario is established.

6.—(1) The Council shall be composed of,

- (a) at least eight and no more than ten persons who are members elected in the prescribed manner; and
- (b) four or five persons appointed by the Lieutenant Governor in Council who are not,
 - (i) members,
 - (ii) members of a College as defined in the *Health Professions Regulation Act, 1990*, or
 - (iii) members of a Council as defined in the *Health Professions Regulation Act, 1990*.

1990, c. ...

Who can
vote in
elections

(2) Subject to the regulations, every member who practises or resides in Ontario and who is not in default of payment of the annual membership fee is entitled to vote in an election of members of the Council.

President and
Vice-
President

7. The Council shall have a President and Vice-President who shall be elected annually by the Council from among the Council's members.

Executive
Committee

8.—(1) The Executive Committee shall be composed of,

- (a) the President and Vice-President of the Council;

- (b) two members of the Council who are members of the College; and
- (c) one member of the Council appointed to the Council by the Lieutenant Governor in Council.

(2) The President of the Council shall be the chair of the Executive Committee. President to be chair

9. The Registration Committee shall be composed of, Registration Committee

- (a) two members of the Council who are members of the College; and
- (b) one member of the Council appointed to the Council by the Lieutenant Governor in Council.

10. The Complaints Committee shall be composed of, Complaints Committee

- (a) two members of the Council who are members of the College; and
- (b) one member of the Council appointed to the Council by the Lieutenant Governor in Council.

11. The Discipline Committee shall be composed of, Discipline Committee

- (a) three members of the Council who are members of the College;
- (b) two members of the Council appointed to the Council by the Lieutenant Governor in Council; and
- (c) two members.

12. The Fitness to Practise Committee shall be composed of, Fitness to Practise Committee

- (a) two members of the Council who are members of the College; and
- (b) one member of the Council appointed to the Council by the Lieutenant Governor in Council.

13. The Quality Assurance Committee shall be composed of, Quality Assurance Committee

- (a) two members of the Council who are members of the College;

(b) one member of the Council appointed to the Council by the Lieutenant Governor in Council; and

(c) two members.

Appointment
of committee
members by
Council

14. The Council shall appoint the members of the committees mentioned in sections 8 to 13.

Restricted
titles

15.—(1) No person other than a member shall use the title “midwife”, a variation or abbreviation of it or its equivalent in another language in the course of providing or offering to provide, in Ontario, health care to individuals.

Represent-
ations of
qualification,
etc.

(2) No person other than a member shall hold himself or herself out as a person who is qualified to practise in Ontario as a midwife or in a specialty of midwifery.

Notice if
suggestions
referred to
Advisory
Council
1990, c. ...

16.—(1) The Registrar shall give a notice to each member if the Minister refers to the Advisory Council, as defined in the *Health Professions Regulation Act, 1990*, a suggested,

(a) amendment to this Act;

(b) amendment to a regulation made by the Council; or

(c) regulation to be made by the Council.

Requirements
re notice

(2) A notice mentioned in subsection (1) shall set out the suggestion referred to the Advisory Council and the notice shall be given within thirty days after the Council of the College receives the Minister’s notice of the suggestion.

Offence

17. Every person who contravenes subsection 15 (1) or (2) is guilty of an offence and on conviction is liable to a fine of not more than \$5,000 for a first offence or not more than \$10,000 for a subsequent offence.

Regulations

18. Subject to the approval of the Lieutenant Governor in Council and with prior review by the Minister, the College may make regulations,

(a) restricting the substances that may be administered by injection or inhalation in the course of engaging in the practice of midwifery;

(b) restricting the drugs that a member may use in the course of engaging in the practice of midwifery; and

- (c) respecting the delegation by or to members of controlled acts set out in subsection 26 (2) of the *Health Professions Regulation Act, 1990*.

1990, c. ...

19.—(1) The Lieutenant Governor in Council may appoint a transitional Council.

Transition
before Act
comes into
force

(2) After this Act receives Royal Assent but before it comes into force, the transitional Council and its employees and committees may do anything that is necessary or advisable for the coming into force of this Act and that the Council and its employees and committees could do under this Act if it were in force.

Powers of
transitional
Council
before Act in
force

(3) Without limiting the generality of subsection (2), the transitional Council may appoint a Registrar and the Registrar and the Council's committees may accept and process applications for the issue of certificates of registration, charge application fees and issue certificates of registration.

Idem

(4) The Minister may,

Powers of
Minister

- (a) review the transitional Council's activities and require the transitional Council to provide reports and information;

- (b) require the transitional Council to make, amend or revoke a regulation under this Act;

- (c) require the transitional Council to do anything that, in the opinion of the Minister, is necessary or advisable to carry out the intent of this Act and the *Health Professions Regulation Act, 1990*.

1990, c. ...

(5) If the Minister has required the transitional Council to do anything under subsection (4), the transitional Council shall, within the time and in the manner specified by the Minister, comply with the requirement and submit a report.

Transitional
Council to
comply with
Minister's
request

(6) If the Minister requires the transitional Council to make, amend or revoke a regulation under clause (4) (b) and the transitional Council does not do so within sixty days, the Lieutenant Governor in Council may make, amend or revoke the regulation.

Regulations

(7) Subsection (6) does not give the Lieutenant Governor in Council authority to do anything that the transitional Council does not have authority to do.

Idem

Minister may
pay expenses

(8) The Minister may pay the transitional Council for expenses incurred in complying with a requirement under subsection (4).

Transition
after Act
comes into
force

20.—(1) After this Act comes into force, the transitional Council shall be the Council of the College if it is constituted in accordance with subsection 6 (1) or, if it is not, it shall be deemed to be the Council of the College until a new Council is constituted in accordance with subsection 6 (1).

Composition
of
committees
of transi-
tional
Council

(2) Sections 8 to 13 do not apply to committees of the transitional Council.

Commence-
ment

21.—(1) This Act, except section 19, comes into force on a day to be named by proclamation of the Lieutenant Governor.

Idem

(2) Section 19 comes into force on the day this Act receives Royal Assent.

Idem

(3) Despite subsection (1), section 78 of the Health Professions Procedural Code, as it applies in respect of this Act, does not come into force until three years after this Act comes into force.

Short title

22. The short title of this Act is the *Midwifery Act, 1990*.

Bill 196

An Act respecting the regulation of the Profession of Nursing

The Hon. E. Caplan
Minister of Health



1st Reading June 6th, 1990
2nd Reading
3rd Reading
Royal Assent

EXPLANATORY NOTE

The Bill provides for the regulation of the profession of nursing by the College of Nurses of Ontario which is continued. The Health Professions Procedural Code, which contains the main procedural provisions applicable in regulating the profession, is deemed to be part of the Bill in subsection 2 (1). Section 4 sets out the controlled acts that members of the College are authorized to perform. Section 17 restricts the use of the titles "nurse", "registered nurse", "practical nurse" and "nursing assistant". The remainder of the Bill relates to the internal working of the College and the regulation of the profession of nursing.

Bill 196

1990

**An Act respecting the regulation of the
Profession of Nursing**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Definitions

“College” means the College of Nurses of Ontario;

“Executive Director” means the Registrar;

“Health Professions Procedural Code” means the Health Professions Procedural Code set out in Schedule 2 to the *Health Professions Regulation Act, 1990*;

1990, c. ...

“profession” means the profession of nursing;

“this Act” includes the Health Professions Procedural Code.

2.—(1) The Health Professions Procedural Code is deemed to be part of this Act.

Health
Professions
Procedural
Code part of
this Act

(2) In the Health Professions Procedural Code as it applies in respect of this Act,

Terms in
Code

“profession” means the profession of nursing;

“this Act” means this Act and the Health Professions Procedural Code.

(3) Definitions in the Health Professions Procedural Code apply with necessary modifications to terms in this Act.

Definitions in
Code

3. The practice of nursing is the assessment of, the provision of care for and the treatment of health conditions by supportive, preventive, therapeutic, palliative and rehabilitative means in order to attain or maintain optimal function.

Scope of
practice

Authorized
acts

4.—(1) In the course of engaging in the practice of nursing, a member is authorized, subject to the terms, conditions and limitations imposed on his or her certificate of registration, to perform the following:

1. Performing a prescribed procedure below the dermis or a mucous membrane on the order of a qualified person.
2. Administering a substance by injection or inhalation on the order of a qualified person.
3. Putting an instrument, hand or finger, on the order of a qualified person,
 - i. beyond the external ear canal,
 - ii. beyond the opening of the nostrils,
 - iii. beyond the larynx,
 - iv. beyond the urethra,
 - v. beyond the labia majora,
 - vi. beyond the anal verge, or
 - vii. into an artificial opening into the body.

Qualified
person

(2) For the purposes of subsection (1), a qualified person is, in relation to a procedure, a person who is,

1990, c. ...

- (a) authorized by a health profession Act as defined in the *Health Professions Regulation Act, 1990* to perform the procedure; or
- (b) a prescribed person.

College
continued

5. The College is continued.

Executive
Director

6. The Registrar shall be known as the Executive Director.

Classes of
nurses

7. The members shall be divided into two classes, registered nurses and practical nurses.

Council

8.—(1) The Council shall be composed of,

- (a) twenty-seven persons who are members elected in the prescribed manner, eighteen from among mem-

bers who are registered nurses and nine from among members who are practical nurses; and

- (b) eleven persons appointed by the Lieutenant Governor in Council who are not,

(i) members,

(ii) members of a College as defined in the *Health Professions Regulation Act, 1990*, or 1990, c. ...

(iii) members of a Council as defined in the *Health Professions Regulation Act, 1990*.

(2) Subject to the regulations, every member who practises or resides in Ontario and who is not in default of payment of the annual membership fee is entitled to vote in an election of members of the Council. Who can vote in elections

9.—(1) The Council shall have a President and two Vice-Presidents who shall be elected annually by the Council from among the Council's members. President and Vice-President

(2) One Vice-President shall be a registered nurse and one shall be a practical nurse. Vice-Presidents

10.—(1) The Executive Committee shall be composed of, Executive Committee

(a) the President and the Vice-Presidents of the Council;

(b) one member of the Council who is a member of the College; and

(c) one member of the Council appointed to the Council by the Lieutenant Governor in Council.

(2) The President of the Council shall be the chair of the Executive Committee. President to be chair

11. The Registration Committee shall be composed of, Registration Committee

(a) four members of the Council who are members of the College;

(b) two members of the Council appointed to the Council by the Lieutenant Governor in Council; and

(c) three members.

Complaints
Committee

12. The Complaints Committee shall be composed of,

- (a) four members of the Council who are members of the College;
- (b) two members of the Council appointed to the Council by the Lieutenant Governor in Council; and
- (c) three members.

Discipline
Committee

13. The Discipline Committee shall be composed of,

- (a) nine members of the Council who are members of the College;
- (b) four members of the Council appointed to the Council by the Lieutenant Governor in Council; and
- (c) twelve members.

Fitness to
Practise
Committee

14. The Fitness to Practise Committee shall be composed of,

- (a) two members of the Council who are members of the College;
- (b) two members of the Council appointed to the Council by the Lieutenant Governor in Council; and
- (c) eight members.

Quality
Assurance
Committee

15. The Quality Assurance Committee shall be composed of,

- (a) three members of the Council who are members of the College;
- (b) one member of the Council appointed to the Council by the Lieutenant Governor in Council; and
- (c) eight members.

Appointment
of committee
members by
Council

16. The Council shall appoint the members of the committees mentioned in sections 10 to 15.

Restricted
titles

17.—(1) No person other than a member shall use the titles “nurse”, “registered nurse” or “practical nurse”, a variation or abbreviation of them or their equivalents in another

language in the course of providing or offering to provide, in Ontario, health care to individuals.

(2) Despite subsection (1), a person may use the titles “Christian Science nurse”, “dental nurse” or “graduate nurse”, a variation or abbreviation of them or their equivalents in another language. Exception

(3) No person shall use the title “nursing assistant” or a variation or abbreviation of it. Restricted title

(4) Despite subsection (3), a member who is a practical nurse may use the title “nursing assistant” or a variation or abbreviation of it for three years after this Act comes into force. Exception

(5) No person other than a member shall hold himself or herself out as a person who is qualified or licensed to practise in Ontario as a nurse, registered nurse or practical nurse or in a specialty of nursing. Representations of qualification, etc.

(6) Despite subsection (5), a person may hold himself or herself out as a Christian Science nurse, dental nurse or graduate nurse. Exception

18.—(1) The Registrar shall give a notice to each member if the Minister refers to the Advisory Council, as defined in the *Health Professions Regulation Act, 1990*, a suggested, Notice if suggestions referred to Advisory Council 1990, c. ...

- (a) amendment to this Act;
- (b) amendment to a regulation made by the Council; or
- (c) regulation to be made by the Council.

(2) A notice mentioned in subsection (1) shall set out the suggestion referred to the Advisory Council and the notice shall be given within thirty days after the Council of the College receives the Minister’s notice of the suggestion. Requirements re notice

19. Every person who contravenes subsection 17 (1), (3) or (5) is guilty of an offence and on conviction is liable to a fine of not more than \$5,000 for a first offence or not more than \$10,000 for a subsequent offence. Offence

20. Subject to the approval of the Lieutenant Governor in Council and with prior review by the Minister, the College may make regulations, Regulations

- 1990, c. ...
- (a) respecting the delegation by or to members of controlled acts set out in subsection 26 (2) of the *Health Professions Regulation Act, 1990*;
 - (b) prescribing procedures for the purpose of paragraph 1 of subsection 4 (1); and
 - (c) prescribing persons for the purpose of clause 4 (2) (b).

Transitional

21. A person who, on the day before this Act comes into force, holds a certificate issued under Part IV of the *Health Disciplines Act*, being chapter 196 of the Revised Statutes of Ontario, 1980, is deemed to be the holder of a certificate of registration issued under this Act, subject to any term, condition or limitation to which the certificate was subject.

Transition
before Act
comes into
force

22.—(1) The transitional Council is the Council of the College of Nurses of Ontario as it exists from time to time between the day this Act receives Royal Assent and the day it comes into force.

Powers of
transitional
Council
before Act in
force

(2) After this Act receives Royal Assent but before it comes into force, the transitional Council and its employees and committees may do anything that is necessary or advisable for the coming into force of this Act and that the Council and its employees and committees could do under this Act if it were in force.

Idem

(3) Without limiting the generality of subsection (2), the transitional Council may appoint a Registrar and the Registrar and the Council's committees may accept and process applications for the issue of certificates of registration, charge application fees and issue certificates of registration.

Powers of
Minister

(4) The Minister may,

- (a) review the transitional Council's activities and require the transitional Council to provide reports and information;
- (b) require the transitional Council to make, amend or revoke a regulation under this Act;
- (c) require the transitional Council to do anything that, in the opinion of the Minister, is necessary or advisable to carry out the intent of this Act and the *Health Professions Regulation Act, 1990*.

1990, c. ...

(5) If the Minister has required the transitional Council to do anything under subsection (4), the transitional Council shall, within the time and in the manner specified by the Minister, comply with the requirement and submit a report.	Transitional Council to comply with Minister's request
(6) If the Minister requires the transitional Council to make, amend or revoke a regulation under clause (4) (b) and the transitional Council does not do so within sixty days, the Lieutenant Governor in Council may make, amend or revoke the regulation.	Regulations
(7) Subsection (6) does not give the Lieutenant Governor in Council authority to do anything that the transitional Council does not have authority to do.	Idem
(8) The Minister may pay the transitional Council for expenses incurred in complying with a requirement under subsection (4).	Minister may pay expenses
23.— (1) After this Act comes into force, the transitional Council shall be the Council of the College if it is constituted in accordance with subsection 8 (1) or, if it is not, it shall be deemed to be the Council of the College until a new Council is constituted in accordance with subsection 8 (1) or until one year has elapsed, whichever comes first.	Transition after Act comes into force
(2) The term of a member of the transitional Council shall continue for as long as the transitional Council is deemed to be the Council of the College.	Terms of members of transitional Council
(3) The Lieutenant Governor in Council may appoint persons to fill vacancies on the transitional Council.	Vacancies
(4) Sections 10 to 15 do not apply to committees of the transitional Council.	Composition of committees of transitional Council
24.— (1) This Act, except section 22, comes into force on a day to be named by proclamation of the Lieutenant Governor.	Commencement
(2) Section 22 comes into force on the day this Act receives Royal Assent.	Idem
(3) Despite subsection (1), section 78 of the Health Professions Procedural Code, as it applies in respect of this Act, does not come into force until three years after this Act comes into force.	Idem
25. The short title of this Act is the <i>Nursing Act, 1990</i> .	Short title

Bill 197

An Act respecting the regulation of the Profession of Occupational Therapy

The Hon. E. Caplan
Minister of Health



1st Reading June 6th, 1990

2nd Reading

3rd Reading

Royal Assent

EXPLANATORY NOTE

The Bill provides for the regulation of the profession of occupational therapy by the College of Occupational Therapists of Ontario which is established. The Health Professions Procedural Code, which contains the main procedural provisions applicable in regulating the profession, is deemed to be part of the Bill in subsection 2 (1). Section 14 restricts the use of the title "occupational therapist" to members. The remainder of the Bill relates to the internal working of the College and the regulation of the profession of occupational therapy.

Bill 197

1990

An Act respecting the regulation of the Profession of Occupational Therapy

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Definitions

“College” means the College of Occupational Therapists of Ontario;

“Health Professions Procedural Code” means the Health Professions Procedural Code set out in Schedule 2 to the *Health Professions Regulation Act, 1990*;

1990, c. ...

“profession” means the profession of occupational therapy;

“this Act” includes the Health Professions Procedural Code.

2.—(1) The Health Professions Procedural Code is deemed to be part of this Act.

Health
Professions
Procedural
Code part of
this Act

(2) In the Health Professions Procedural Code as it applies in respect of this Act,

Terms in
Code

“profession” means the profession of occupational therapy;

“this Act” means this Act and the Health Professions Procedural Code.

(3) Definitions in the Health Professions Procedural Code apply with necessary modifications to terms in this Act.

Definitions in
Code

3. The practice of occupational therapy is the assessment of function and adaptive behaviour and the treatment and prevention of disorders which affect function or adaptive behaviour to develop, maintain, rehabilitate or augment function

Scope of
practice

or adaptive behaviour in the areas of self-care, productivity and leisure.

College
established

4. The College of Occupational Therapists of Ontario is established.

Council

5.—(1) The Council shall be composed of,

- (a) at least seven and no more than ten persons who are members elected in the prescribed manner;
- (b) at least four and no more than six persons appointed by the Lieutenant Governor in Council who are not,
 - (i) members,
 - (ii) members of a College as defined in the *Health Professions Regulation Act, 1990*, or
 - (iii) members of a Council as defined in the *Health Professions Regulation Act, 1990*; and
- (c) one or two persons selected in the prescribed manner from among members who are members of a faculty of occupational therapy of a university in Ontario.

1990, c. ...

Who can
vote in
elections

(2) Subject to the regulations, every member who practises or resides in Ontario and who is not in default of payment of the annual membership fee is entitled to vote in an election of members of the Council.

President and
Vice-
President

6. The Council shall have a President and Vice-President who shall be elected annually by the Council from among the Council's members.

Executive
Committee

7.—(1) The Executive Committee shall be composed of,

- (a) the President and Vice-President of the Council;
- (b) two members of the Council who are members of the College; and
- (c) one member of the Council appointed to the Council by the Lieutenant Governor in Council.

President to
be chair

(2) The President of the Council shall be the chair of the Executive Committee.

- 8.** The Registration Committee shall be composed of, Registration Committee
- (a) two members of the Council who are members of the College; and
 - (b) one member of the Council appointed to the Council by the Lieutenant Governor in Council.
- 9.** The Complaints Committee shall be composed of, Complaints Committee
- (a) two members of the Council who are members of the College;
 - (b) one member of the Council appointed to the Council by the Lieutenant Governor in Council; and
 - (c) one member.
- 10.** The Discipline Committee shall be composed of, Discipline Committee
- (a) three members of the Council who are members of the College;
 - (b) two members of the Council appointed to the Council by the Lieutenant Governor in Council; and
 - (c) two members.
- 11.** The Fitness to Practise Committee shall be composed of, Fitness to Practise Committee
- (a) two members of the Council who are members of the College; and
 - (b) one member of the Council appointed to the Council by the Lieutenant Governor in Council.
- 12.** The Quality Assurance Committee shall be composed of, Quality Assurance Committee
- (a) two members of the Council who are members of the College;
 - (b) one member of the Council appointed to the Council by the Lieutenant Governor in Council; and
 - (c) two members.
- 13.** The Council shall appoint the members of the committees mentioned in sections 7 to 12. Appointment of committee members by Council

Restricted
titles

14.—(1) No person other than a member shall use the title “occupational therapist”, a variation or abbreviation of it or its equivalent in another language in the course of providing or offering to provide, in Ontario, health care to individuals.

Represent-
ations of
qualification,
etc.

(2) No person other than a member shall hold himself or herself out as a person who is qualified to practise in Ontario as an occupational therapist or in a specialty of occupational therapy.

Notice if
suggestions
referred to
Advisory
Council
1990, c. ...

15.—(1) The Registrar shall give a notice to each member if the Minister refers to the Advisory Council, as defined in the *Health Professions Regulation Act, 1990*, a suggested,

- (a) amendment to this Act;
- (b) amendment to a regulation made by the Council; or
- (c) regulation to be made by the Council.

Requirements
re notice

(2) A notice mentioned in subsection (1) shall set out the suggestion referred to the Advisory Council and the notice shall be given within thirty days after the Council of the College receives the Minister’s notice of the suggestion.

Offence

16. Every person who contravenes subsection 14 (1) or (2) is guilty of an offence and on conviction is liable to a fine of not more than \$5,000 for a first offence or not more than \$10,000 for a subsequent offence.

Regulations

17. Subject to the approval of the Lieutenant Governor in Council and with prior review by the Minister, the College may make regulations,

- (a) respecting the qualifications, number, selection and terms of office of Council members who are selected; and
- (b) respecting the delegation to members of controlled acts set out in subsection 26 (2) of the *Health Professions Regulation Act, 1990*.

1990, c. ...

Transition
before Act
comes into
force

18.—(1) The Lieutenant Governor in Council may appoint a transitional Council.

Powers of
transitional
Council
before Act in
force

(2) After this Act receives Royal Assent but before it comes into force, the transitional Council and its employees and committees may do anything that is necessary or advisable for the coming into force of this Act and that the Council and

its employees and committees could do under this Act if it were in force.

(3) Without limiting the generality of subsection (2), the transitional Council may appoint a Registrar and the Registrar and the Council's committees may accept and process applications for the issue of certificates of registration, charge application fees and issue certificates of registration. Idem

(4) The Minister may, Powers of Minister

(a) review the transitional Council's activities and require the transitional Council to provide reports and information;

(b) require the transitional Council to make, amend or revoke a regulation under this Act;

(c) require the transitional Council to do anything that, in the opinion of the Minister, is necessary or advisable to carry out the intent of this Act and the *Health Professions Regulation Act, 1990*. 1990, c. ...

(5) If the Minister has required the transitional Council to do anything under subsection (4), the transitional Council shall, within the time and in the manner specified by the Minister, comply with the requirement and submit a report. Transitional Council to comply with Minister's request

(6) If the Minister requires the transitional Council to make, amend or revoke a regulation under clause (4) (b) and the transitional Council does not do so within sixty days, the Lieutenant Governor in Council may make, amend or revoke the regulation. Regulations

(7) Subsection (6) does not give the Lieutenant Governor in Council authority to do anything that the transitional Council does not have authority to do. Idem

(8) The Minister may pay the transitional Council for expenses incurred in complying with a requirement under subsection (4). Minister may pay expenses

19.—(1) After this Act comes into force, the transitional Council shall be the Council of the College if it is constituted in accordance with subsection 5 (1) or, if it is not, it shall be deemed to be the Council of the College until a new Council is constituted in accordance with subsection 5 (1) or until one year has elapsed, whichever comes first. Transition after Act comes into force

Terms of
members of
transitional
Council

(2) The term of a member of the transitional Council shall not expire while the transitional Council continues to be the Council of the College.

Composition
of
committees
of transi-
tional
Council

(3) Sections 7 to 12 do not apply to committees of the transitional Council.

Commence-
ment

20.—(1) This Act, except section 18, comes into force on a day to be named by proclamation of the Lieutenant Governor.

Idem

(2) Section 18 comes into force on the day this Act receives Royal Assent.

Idem

(3) Despite subsection (1), section 78 of the Health Professions Procedural Code, as it applies in respect of this Act, does not come into force until three years after this Act comes into force.

Short title

21. The short title of this Act is the *Occupational Therapy Act, 1990*.

Bill 198

An Act respecting the regulation of the Profession of Opticianry

The Hon. E. Caplan
Minister of Health



1st Reading June 6th, 1990
2nd Reading
3rd Reading
Royal Assent

EXPLANATORY NOTE

The Bill provides for the regulation of the profession of opticianry by the College of Opticians of Ontario. The Board of Ophthalmic Dispensers is continued as the College. The Health Professions Procedural Code, which contains the main procedural provisions applicable in regulating the profession, is deemed to be part of the Bill in subsection 2 (1). Section 4 sets out the controlled acts that members of the College are authorized to perform. Section 15 restricts the use of the titles "optician" and "ophthalmic dispenser". The remainder of the Bill relates to the internal working of the College and the regulation of the profession of opticianry.

Bill 198

1990

**An Act respecting the regulation of the
Profession of Opticianry**

HER MAJESTY, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts as
follows:

1. In this Act, Definitions

“College” means the College of Opticians of Ontario;

“Health Professions Procedural Code” means the Health Pro-
fessions Procedural Code set out in Schedule 2 to the
Health Professions Regulation Act, 1990; 1990, c. ...

“profession” means the profession of opticianry;

“this Act” includes the Health Professions Procedural Code.

2.—(1) The Health Professions Procedural Code is Health
Professions
Procedural
Code part of
this Act
deemed to be part of this Act.

(2) In the Health Professions Procedural Code as it applies Terms in
Code
in respect of this Act,

“profession” means the profession of opticianry;

“this Act” means this Act and the Health Professions Proce-
dural Code.

(3) Definitions in the Health Professions Procedural Code Definitions in
Code
apply with necessary modifications to terms in this Act.

3. The practice of opticianry is the provision, fitting and Scope of
practice
adjustment of subnormal vision devices, contact lenses or eye
glasses on the order of a member of the College of Optome-
trists of Ontario or the College of Physicians and Surgeons of
Ontario.

Authorized
acts

4. In the course of engaging in the practice of opticianry, a member is authorized, subject to the terms, conditions and limitations imposed on his or her certificate of registration, to fit and dispense subnormal vision devices, contact lenses or eye glasses on the order of a member of the College of Optometrists of Ontario or the College of Physicians and Surgeons of Ontario.

Board
continued as
College

5. The Board of Ophthalmic Dispensers is continued as the College of Opticians of Ontario.

Council

6.—(1) The Council shall be composed of,

- (a) at least eight and no more than twelve persons who are members elected in the prescribed manner; and
- (b) at least four and no more than six persons appointed by the Lieutenant Governor in Council who are not,

(i) members,

(ii) members of a College as defined in the *Health Professions Regulation Act, 1990*, or

(iii) members of a Council as defined in the *Health Professions Regulation Act, 1990*.

1990, c. ...

Who can
vote in
elections

(2) Subject to the regulations, every member who practises or resides in Ontario and who is not in default of payment of the annual membership fee is entitled to vote in an election of members of the Council.

President and
Vice-
President

7. The Council shall have a President and Vice-President who shall be elected annually by the Council from among the Council's members.

Executive
Committee

8.—(1) The Executive Committee shall be composed of,

- (a) the President and Vice-President of the Council;
- (b) two members of the Council who are members of the College; and
- (c) one member of the Council appointed to the Council by the Lieutenant Governor in Council.

President to
be chair

(2) The President of the Council shall be the chair of the Executive Committee.

9. The Registration Committee shall be composed of, Registration Committee

- (a) two members of the Council who are members of the College; and
- (b) one member of the Council appointed to the Council by the Lieutenant Governor in Council.

10. The Complaints Committee shall be composed of, Complaints Committee

- (a) two members of the Council who are members of the College; and
- (b) one member of the Council appointed to the Council by the Lieutenant Governor in Council.

11. The Discipline Committee shall be composed of, Discipline Committee

- (a) three members of the Council who are members of the College;
- (b) two members of the Council appointed to the Council by the Lieutenant Governor in Council; and
- (c) two members.

12. The Fitness to Practise Committee shall be composed of, Fitness to Practise Committee

- (a) two members of the Council who are members of the College; and
- (b) one member of the Council appointed to the Council by the Lieutenant Governor in Council.

13. The Quality Assurance Committee shall be composed of, Quality Assurance Committee

- (a) two members of the Council who are members of the College;
- (b) one member of the Council appointed to the Council by the Lieutenant Governor in Council; and
- (c) two members.

14. The Council shall appoint the members of the committees mentioned in sections 8 to 13. Appointment of committee members by Council

Restricted
titles

15.—(1) No person other than a member shall use the title “optician”, a variation or abbreviation of it or its equivalent in another language in providing or offering to provide, in Ontario, health care to individuals.

Idem

(2) No person shall use the title “ophthalmic dispenser” or a variation or abbreviation of it.

Represent-
ations of
qualification,
etc.

(3) No person other than a member shall hold himself or herself out as a person who is qualified to practise in Ontario as an optician or in a specialty of opticianry.

Exception

(4) Despite subsection (2), a member may use the title “ophthalmic dispenser” or a variation or an abbreviation of it for three years after this Act comes into force.

Notice if
suggestions
referred to
Advisory
Council
1990, c. ...

16.—(1) The Registrar shall give a notice to each member if the Minister refers to the Advisory Council, as defined in the *Health Professions Regulation Act, 1990*, a suggested,

(a) amendment to this Act;

(b) amendment to a regulation made by the Council; or

(c) regulation to be made by the Council.

Requirements
re notice

(2) A notice mentioned in subsection (1) shall set out the suggestion referred to the Advisory Council and the notice shall be given within thirty days after the Council of the College receives the Minister’s notice of the suggestion.

Offence

17. Every person who contravenes subsection 15 (1), (2) or (3) is guilty of an offence and on conviction is liable to a fine of not more than \$5,000 for a first offence or not more than \$10,000 for a subsequent offence.

Regulations

18. Subject to the approval of the Lieutenant Governor in Council and with prior review by the Minister, the College may make regulations respecting the delegation by or to members of controlled acts set out in subsection 26 (2) of the *Health Professions Regulation Act, 1990*.

1990, c. ...

Transition

19. A person who, on the day before this Act comes into force, is registered under the *Ophthalmic Dispensers Act*, being chapter 364 of the Revised Statutes of Ontario, 1980, is deemed to be the holder of a certificate of registration issued under this Act subject to any term, condition or limitation to which the registration was subject.

20.—(1) The transitional Council is the Board of Ophthalmic Dispensers as it exists from time to time between the day this Act receives Royal Assent and the day it comes into force.

Transition
before Act
comes into
force

(2) After this Act receives Royal Assent but before it comes into force, the transitional Council and its employees and committees may do anything that is necessary or advisable for the coming into force of this Act and that the Council and its employees and committees could do under this Act if it were in force.

Powers of
transitional
Council
before Act in
force

(3) Without limiting the generality of subsection (2), the transitional Council may appoint a Registrar and the Registrar and the Council's committees may accept and process applications for the issue of certificates of registration, charge application fees and issue certificates of registration.

Idem

(4) The Minister may,

Powers of
Minister

(a) review the transitional Council's activities and require the transitional Council to provide reports and information;

(b) require the transitional Council to make, amend or revoke a regulation under this Act;

(c) require the transitional Council to do anything that, in the opinion of the Minister, is necessary or advisable to carry out the intent of this Act and the *Health Professions Regulation Act, 1990*.

1990, c. ...

(5) If the Minister has required the transitional Council to do anything under subsection (4), the transitional Council shall, within the time and in the manner specified by the Minister, comply with the requirement and submit a report.

Transitional
Council to
comply with
Minister's
request

(6) If the Minister requires the transitional Council to make, amend or revoke a regulation under clause (4) (b) and the transitional Council does not do so within sixty days, the Lieutenant Governor in Council may make, amend or revoke the regulation.

Regulations

(7) Subsection (6) does not give the Lieutenant Governor in Council authority to do anything that the transitional Council does not have authority to do.

Idem

(8) The Minister may pay the transitional Council for expenses incurred in complying with a requirement under subsection (4).

Minister may
pay expenses

Transition
after Act
comes into
force

21.—(1) After this Act comes into force, the transitional Council shall be the Council of the College if it is constituted in accordance with subsection 6 (1) or, if it is not, it shall be deemed to be the Council of the College until a new Council is constituted in accordance with subsection 6 (1) or until one year has elapsed, whichever comes first.

Terms of
members of
transitional
Council

(2) The term of a member of the transitional Council shall not expire while the transitional Council is deemed to be the Council of the College.

Vacancies

(3) The Lieutenant Governor in Council may appoint persons to fill vacancies on the transitional Council.

Composition
of
committees
of transi-
tional
Council

(4) Sections 8 to 13 do not apply to committees of the transitional Council.

Commence-
ment

22.—(1) This Act, except section 20, comes into force on a day to be named by proclamation of the Lieutenant Governor.

Idem

(2) Section 20 comes into force on the day this Act receives Royal Assent.

Idem

(3) Despite subsection (1), section 78 of the Health Professions Procedural Code, as it applies in respect of this Act, does not come into force until three years after this Act comes into force.

Short title

23. The short title of this Act is the *Opticianry Act, 1990*.

Bill 199

An Act respecting the regulation of the Profession of Optometry

The Hon. E. Caplan
Minister of Health



1st Reading June 6th, 1990

2nd Reading

3rd Reading

Royal Assent

EXPLANATORY NOTE

The Bill provides for the regulation of the profession of optometry by the College of Optometrists of Ontario which is continued. The Health Professions Procedural Code, which contains the main procedural provisions applicable in regulating the profession, is deemed to be part of the Bill in subsection 2 (1). Section 4 sets out the controlled acts that members of the College are authorized to perform. Section 16 restricts the use of the title "optometrist" to members. The remainder of the Bill relates to the internal working of the College and the regulation of the profession of optometry.

Bill 199

1990

**An Act respecting the regulation of the
Profession of Optometry**

HER MAJESTY, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts as
follows:

1. In this Act,

Definitions

“College” means the College of Optometrists of Ontario;

“Health Professions Procedural Code” means the Health Pro-
fessions Procedural Code set out in Schedule 2 to the
Health Professions Regulation Act, 1990;

1990, c. ...

“profession” means the profession of optometry;

“this Act” includes the Health Professions Procedural Code.

2.—(1) The Health Professions Procedural Code is
deemed to be part of this Act.

Health
Professions
Procedural
Code part of
this Act

(2) In the Health Professions Procedural Code as it applies
in respect of this Act,

Terms in
Code

“profession” means the profession of optometry;

“this Act” means this Act and the Health Professions Proce-
dural Code.

(3) Definitions in the Health Professions Procedural Code
apply with necessary modifications to terms in this Act.

Definitions in
Code

3. The practice of optometry is the assessment of the eye
and vision system and the diagnosis, treatment and prevention
of vision and oculomotor dysfunctions of the eye.

Scope of
practice

4. In the course of engaging in the practice of optometry,
a member is authorized, subject to the terms, conditions and

Authorized
acts

limitations imposed on his or her certificate of registration, to perform the following:

1. Communicating a conclusion identifying a vision or oculomotor dysfunction of the eye as the cause of a person's symptoms.
2. Prescribing or dispensing, for vision or eye problems, subnormal vision devices, contact lenses or eye glasses.

College
continued

5. The College is continued.

Council

6.—(1) The Council shall be composed of,

- (a) at least six and no more than ten persons who are members elected in the prescribed manner;
- (b) at least four and no more than six persons appointed by the Lieutenant Governor in Council who are not,

(i) members,

(ii) members of a College as defined in the *Health Professions Regulation Act, 1990*, or

(iii) members of a Council as defined in the *Health Professions Regulation Act, 1990*; and

- (c) one or two persons for each faculty of optometry of a university in Ontario selected in the prescribed manner from among members who are members of the faculty.

1990, c. ...

Who can
vote in
elections

(2) Subject to the regulations, every member who practises or resides in Ontario and who is not in default of payment of the annual membership fee is entitled to vote in an election of members of the Council.

President and
Vice-
President

7. The Council shall have a President and Vice-President who shall be elected annually by the Council from among the Council's members.

Executive
Committee

8.—(1) The Executive Committee shall be composed of,

- (a) the President and Vice-President of the Council;
- (b) two members of the Council who are members of the College; and

- (c) one member of the Council appointed to the Council by the Lieutenant Governor in Council.

(2) The President of the Council shall be the chair of the Executive Committee. President to be chair

9. The Registration Committee shall be composed of, Registration Committee

- (a) one member of the Council who is a member of the College;
- (b) one member of the Council appointed to the Council by the Lieutenant Governor in Council; and
- (c) three members.

10. The Complaints Committee shall be composed of, Complaints Committee

- (a) two members of the Council who are members of the College;
- (b) one member of the Council appointed to the Council by the Lieutenant Governor in Council; and
- (c) two members.

11. The Discipline Committee shall be composed of, Discipline Committee

- (a) two members of the Council who are members of the College;
- (b) two members of the Council appointed to the Council by the Lieutenant Governor in Council; and
- (c) four members.

12. The Fitness to Practise Committee shall be composed of, Fitness to Practise Committee

- (a) one member of the Council who is a member of the College;
- (b) one member of the Council appointed to the Council by the Lieutenant Governor in Council; and
- (c) three members.

13. The Quality Assurance Committee shall be composed of, Quality Assurance Committee

- (a) one member of the Council who is a member of the College;
- (b) one member of the Council appointed to the Council by the Lieutenant Governor in Council; and
- (c) three members.

Appointment of committee members by Council

14. The Council shall appoint the members of the committees mentioned in sections 8 to 13.

Imposition of duties on the Optometry Review Committee
R.S.O. 1980, c. 197

15. The Council may give the Optometry Review Committee appointed under the *Health Insurance Act* duties that are not inconsistent with the Committee's duties under that Act.

Restricted title

16.—(1) No person other than a member shall use the title "optometrist", a variation or abbreviation of it or its equivalent in another language in the course of providing or offering to provide, in Ontario, health care to individuals.

Representations of qualification, etc.

(2) No person other than a member shall hold himself or herself out as a person who is qualified to practise in Ontario as an optometrist or in a specialty of optometry.

Notice if suggestions referred to Advisory Council
1990, c. ...

17.—(1) The Registrar shall give a notice to each member if the Minister refers to the Advisory Council, as defined in the *Health Professions Regulation Act, 1990*, a suggested,

- (a) amendment to this Act;
- (b) amendment to a regulation made by the Council; or
- (c) regulation to be made by the Council.

Requirements re notice

(2) A notice mentioned in subsection (1) shall set out the suggestion referred to the Advisory Council and the notice shall be given within thirty days after the Council of the College receives the Minister's notice of the suggestion.

Offence

18. Every person who contravenes subsection 16 (1) or (2) is guilty of an offence and on conviction is liable to a fine of not more than \$5,000 for a first offence or not more than \$10,000 for a subsequent offence.

Regulations

19. Subject to the approval of the Lieutenant Governor in Council and with prior review by the Minister, the College may make regulations,

- (a) restricting the drugs that a member may use in the course of engaging in the practice of optometry;
- (b) respecting the qualifications, number, selection and terms of office of Council members who are selected; and
- (c) respecting the delegation by or to members of controlled acts set out in subsection 26 (2) of the *Health Professions Regulation Act, 1990*.

1990, c. ...

20. A person who, on the day before this Act comes into force, holds a licence issued under Part V of the *Health Disciplines Act*, being chapter 196 of the Revised Statutes of Ontario, 1980, is deemed to be the holder of a certificate of registration issued under this Act subject to any term, condition or limitation to which the licence was subject.

Transitional

21.—(1) The transitional Council is the Council of the College of Optometrists of Ontario as it exists from time to time between the day this Act receives Royal Assent and the day it comes into force.

Transition
before Act
comes into
force

(2) After this Act receives Royal Assent but before it comes into force, the transitional Council and its employees and committees may do anything that is necessary or advisable for the coming into force of this Act and that the Council and its employees and committees could do under this Act if it were in force.

Powers of
transitional
Council
before Act in
force

(3) Without limiting the generality of subsection (2), the transitional Council may appoint a Registrar and the Registrar and the Council's committees may accept and process applications for the issue of certificates of registration, charge application fees and issue certificates of registration.

Idem

(4) The Minister may,

Powers of
Minister

- (a) review the transitional Council's activities and require the transitional Council to provide reports and information;
- (b) require the transitional Council to make, amend or revoke a regulation under this Act;
- (c) require the transitional Council to do anything that, in the opinion of the Minister, is necessary or advisable to carry out the intent of this Act and the *Health Professions Regulation Act, 1990*.

1990, c. ...

Transitional
Council to
comply with
Minister's
request

(5) If the Minister has required the transitional Council to do anything under subsection (4), the transitional Council shall, within the time and in the manner specified by the Minister, comply with the requirement and submit a report.

Regulations

(6) If the Minister requires the transitional Council to make, amend or revoke a regulation under clause (4) (b) and the transitional Council does not do so within sixty days, the Lieutenant Governor in Council may make, amend or revoke the regulation.

Idem

(7) Subsection (6) does not give the Lieutenant Governor in Council authority to do anything that the transitional Council does not have authority to do.

Minister may
pay expenses

(8) The Minister may pay the transitional Council for expenses incurred in complying with a requirement under subsection (4).

Transition
after Act
comes into
force

22.—(1) After this Act comes into force, the transitional Council shall be the Council of the College if it is constituted in accordance with subsection 6 (1) or, if it is not, it shall be deemed to be the Council of the College until a new Council is constituted in accordance with subsection 6 (1) or until one year has elapsed, whichever comes first.

Terms of
members of
transitional
Council

(2) The term of a member of the transitional Council shall continue for as long as the transitional Council is deemed to be the Council of the College.

Vacancies

(3) The Lieutenant Governor in Council may appoint persons to fill vacancies on the transitional Council.

Composition
of
committees
of transi-
tional
Council

(4) Sections 8 to 13 do not apply to committees of the transitional Council.

Commence-
ment

23.—(1) This Act, except section 21, comes into force on a day to be named by proclamation of the Lieutenant Governor.

Idem

(2) Section 21 comes into force on the day this Act receives Royal Assent.

Idem

(3) Despite subsection (1), section 78 of the Health Professions Procedural Code, as it applies in respect of this Act, does not come into force until three years after this Act comes into force.

Short title

24. The short title of this Act is the *Optometry Act, 1990*.

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B
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Publications

Bill 200

Government Bill

2ND SESSION, 34TH LEGISLATURE, ONTARIO

38 ELIZABETH II, 1989

Bill 200

An Act to confirm a certain Agreement between the Governments of Canada and Ontario

The Hon. I. Scott

Minister Responsible for Native Affairs



1st Reading December 15th, 1988

2nd Reading

3rd Reading

Royal Assent

*Continued from the 1st Session by an Order of the
Legislative Assembly of March 2nd, 1989.*

EXPLANATORY NOTE

In 1924 an agreement was entered into between the Dominion of Canada and the Province of Ontario in respect of certain Indian Lands. The agreement was incorporated into *The Indian Lands Act, 1924*. Now, a sequel to that agreement was entered into and is set out in Schedule A to the Bill. The 1986 agreement provides that it comes into force when confirmed by the Parliament of Canada and the Legislature of Ontario. The Bill is to provide the confirmation by Ontario.

Bill 200

1989

**An Act to confirm a certain Agreement between the
Governments of Canada and Ontario**

HER MAJESTY, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts as
follows:

1. The 1986 Indian Lands Agreement, reproduced as Agreement confirmed
Schedule A, is hereby confirmed.

2. This Act comes into force on the day it receives Royal Commence-
ment
Assent.

3. The short title of this Act is the *Indian Lands* Short title
Agreement Confirmation Act, 1989.

SCHEDULE A

Memorandum of Agreement made this 5th day of August, 1986.

Between:

THE GOVERNMENT OF CANADA as represented by the
Minister of Indian and Northern Affairs for Canada (hereinafter
referred to as Canada)

—and—

THE GOVERNMENT OF THE PROVINCE OF ONTARIO as
represented by the Minister of Natural Resources for the
Province of Ontario (hereinafter referred to as Ontario)

This agreement witnesseth that the parties hereto have agreed as
follows:

1. Definitions

- (a) “Band”, “Council of the Band”, “Surrender”, “Custom” and
“Indian” have the same meaning as those words in the *Indian Act*,
R.S.C. 1970, c. I-6, as the same may be amended from time to time;
- (b) “land” includes any interest in land;
- (c) “minerals” includes gold, silver and all other metals, precious and
base, and coal, natural gas, oil, salt, sand and gravel;

- (d) "1924 Agreement" means the agreement between Canada and Ontario dated March 24, 1924, and the statutes confirming it, i.e., Statutes of Canada, 14-15 George V, chapter 48, and Statutes of Ontario, 14 George V, chapter 15.

2. Ontario, Canada, and any band or group of bands may enter into specific agreements. Any one or more Bands may enter into one or more specific agreements.

3. A specific agreement may be entered into with respect to any matter or question relating to lands or natural resources, including any of the following:

- (a) any matter dealt with in the 1924 Agreement;
- (b) administration and control;
- (c) the exercise, allocation or transfer or disposal of any interests in lands or natural resources;
- (d) minerals, mineral rights and royalties, and the disposition or taxation of any of them;
- (e) hydro powers;
- (f) disposition of lands or natural resources;
- (g) consequences of extinction or enfranchisement of a band;
- (h) disposition of any monies;
- (i) the non-applicability of any provision or provisions of the 1924 Agreement;
- (j) any other provision required for the implementation of a specific agreement.

4. The provisions of any specific agreement shall have effect upon confirmation. In the event of any inconsistency with the 1924 Agreement, the specific agreement shall supercede.

5. Neither this Agreement nor any specific agreement shall affect the validity of any treaty or surrender.

6. Canada and Ontario may enter into an agreement or agreements for the confirmation of patents issued or other dispositions of land by the other with respect to land, but no such agreement or confirmation shall in any way affect the rights of any band or the recourse which any band would, absent such agreement, have against any person or land, including the Crown and Crown lands.

7. If Canada has collected money or collects money on behalf of any band or bands pursuant to sales or other dispositions of land or interests in land, Ontario acknowledges that Canada may continue to administer that money for the use and benefit of the band or bands, but in no case shall money collected by Canada expressly on behalf of Ontario be deemed to be money collected by Canada on behalf of a band or bands.

8. This Agreement shall come into force when it is confirmed by the Parliament of Canada and the Legislature of Ontario and such confirmations come into force.

9. A specific agreement shall come into force when it is confirmed by Orders-in-Council of both Canada and Ontario and is confirmed by the band.

10. Confirmation by a band of a specific agreement shall take place:

- (a) by a Referendum conducted pursuant to regulations made by the Governor General-in-Council under the authority of the Act of Parliament implementing this Agreement; or
- (b) pursuant to the band's custom or constitution, provided that the Council of the band gives written notification to the Minister of Indian Affairs and Northern Development and to the Minister of Natural Resources for Ontario that confirmation took place pursuant to the band's custom or constitution, as the case may be.

11. Where a specific agreement affects or deals with lands, lands affected shall be described in a schedule to the specific agreement.

12. No specific agreement entered into by any band shall be binding upon any other band or have any effect on any other band unless it has been confirmed by that other band.

13. A specific agreement may be amended by the parties or their successors in the same manner as it was originally made.

IN WITNESS WHEREOF the said parties hereto have set their hands and seals.

SIGNED, SEALED AND DELIVERED
in the presence of

P. Francoeur
as to the execution of

Minister of Indian and
Northern Affairs

Bill McKnight
Minister of Indian and
Northern Affairs for
Canada

Adair Ireland-Smith
as to the execution of


Minister of Natural
Resources

Vincent G. Kerrio
Minister of Natural
Resources for the
Province of Ontario

Bill 200

*(Chapter 26
Statutes of Ontario, 1989)*

An Act to confirm a certain Agreement between the Governments of Canada and Ontario



The Hon. I. Scott
Minister Responsible for Native Affairs

<i>1st Reading</i>	December 15th, 1988
<i>2nd Reading</i>	June 14th, 1989
<i>3rd Reading</i>	June 19th, 1989
<i>Royal Assent</i>	June 20th, 1989

*Continued from the 1st Session by an Order of the
Legislative Assembly of March 2nd, 1989.*

Bill 200

1989

**An Act to confirm a certain Agreement between the
Governments of Canada and Ontario**

HER MAJESTY, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts as
follows:

1. The 1986 Indian Lands Agreement, reproduced as Agreement confirmed
Schedule A, is hereby confirmed.

2. This Act comes into force on the day it receives Royal Commence-
ment
Assent.

3. The short title of this Act is the *Indian Lands* Short title
Agreement Confirmation Act, 1989.

SCHEDULE A

Memorandum of Agreement made this 5th day of August, 1986.

Between:

THE GOVERNMENT OF CANADA as represented by the
Minister of Indian and Northern Affairs for Canada (hereinafter
referred to as Canada)

—and—

THE GOVERNMENT OF THE PROVINCE OF ONTARIO as
represented by the Minister of Natural Resources for the
Province of Ontario (hereinafter referred to as Ontario)

This agreement witnesseth that the parties hereto have agreed as
follows:

1. Definitions

- (a) “Band”, “Council of the Band”, “Surrender”, “Custom” and
“Indian” have the same meaning as those words in the *Indian Act*,
R.S.C. 1970, c. I-6, as the same may be amended from time to time;
- (b) “land” includes any interest in land;
- (c) “minerals” includes gold, silver and all other metals, precious and
base, and coal, natural gas, oil, salt, sand and gravel;

- (d) "1924 Agreement" means the agreement between Canada and Ontario dated March 24, 1924, and the statutes confirming it, i.e., Statutes of Canada, 14-15 George V, chapter 48, and Statutes of Ontario, 14 George V, chapter 15.

2. Ontario, Canada, and any band or group of bands may enter into specific agreements. Any one or more Bands may enter into one or more specific agreements.

3. A specific agreement may be entered into with respect to any matter or question relating to lands or natural resources, including any of the following:

- (a) any matter dealt with in the 1924 Agreement;
- (b) administration and control;
- (c) the exercise, allocation or transfer or disposal of any interests in lands or natural resources;
- (d) minerals, mineral rights and royalties, and the disposition or taxation of any of them;
- (e) hydro powers;
- (f) disposition of lands or natural resources;
- (g) consequences of extinction or enfranchisement of a band;
- (h) disposition of any monies;
- (i) the non-applicability of any provision or provisions of the 1924 Agreement;
- (j) any other provision required for the implementation of a specific agreement.

4. The provisions of any specific agreement shall have effect upon confirmation. In the event of any inconsistency with the 1924 Agreement, the specific agreement shall supercede.

5. Neither this Agreement nor any specific agreement shall affect the validity of any treaty or surrender.

6. Canada and Ontario may enter into an agreement or agreements for the confirmation of patents issued or other dispositions of land by the other with respect to land, but no such agreement or confirmation shall in any way affect the rights of any band or the recourse which any band would, absent such agreement, have against any person or land, including the Crown and Crown lands.

7. If Canada has collected money or collects money on behalf of any band or bands pursuant to sales or other dispositions of land or interests in land, Ontario acknowledges that Canada may continue to administer that money for the use and benefit of the band or bands, but in no case shall money collected by Canada expressly on behalf of Ontario be deemed to be money collected by Canada on behalf of a band or bands.

8. This Agreement shall come into force when it is confirmed by the Parliament of Canada and the Legislature of Ontario and such confirmations come into force.

9. A specific agreement shall come into force when it is confirmed by Orders-in-Council of both Canada and Ontario and is confirmed by the band.

10. Confirmation by a band of a specific agreement shall take place:

- (a) by a Referendum conducted pursuant to regulations made by the Governor General-in-Council under the authority of the Act of Parliament implementing this Agreement; or
- (b) pursuant to the band's custom or constitution, provided that the Council of the band gives written notification to the Minister of Indian Affairs and Northern Development and to the Minister of Natural Resources for Ontario that confirmation took place pursuant to the band's custom or constitution, as the case may be.

11. Where a specific agreement affects or deals with lands, lands affected shall be described in a schedule to the specific agreement.

12. No specific agreement entered into by any band shall be binding upon any other band or have any effect on any other band unless it has been confirmed by that other band.

13. A specific agreement may be amended by the parties or their successors in the same manner as it was originally made.

IN WITNESS WHEREOF the said parties hereto have set their hands and seals.

SIGNED, SEALED AND DELIVERED
in the presence of

P. Francoeur
as to the execution of

Minister of Indian and
Northern Affairs

Bill McKnight
Minister of Indian and
Northern Affairs for
Canada

Adair Ireland-Smith
as to the execution of

Minister of Natural
Resources

Vincent G. Kerrio
Minister of Natural
Resources for the
Province of Ontario

Bill 201

An Act to amend the Municipal Act

The Hon. J. Eakins
Minister of Municipal Affairs



1st Reading January 12th, 1989
2nd Reading
3rd Reading
Royal Assent

*Continued from the 1st Session by an Order of the
Legislative Assembly of March 2nd, 1989.*

EXPLANATORY NOTES

The purpose of the Bill is to enable a county council to pass by-laws assuming power over waste management in the county. A by-law to this effect requires approval by a two-thirds vote of all the votes on county council and by at least one vote from a majority of the local municipalities forming part of the county for municipal purposes.

If the county council adopts a waste management plan or assumes power over waste management functions, the power of the local municipalities in this area is restricted.

If disputes arise under the Act, the Ontario Municipal Board may determine the matter (subsections 209a (12) and (25)).

Bill 201

1989

An Act to amend the Municipal Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The *Municipal Act*, being chapter 302 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following section:

209a.—(1) In this section,

Definitions

“municipality” means a municipality as defined in the *Municipal Affairs Act*, and a metropolitan, regional or district municipality and the County of Oxford or a local board of a metropolitan, regional or district municipality or of the County of Oxford;

R.S.O. 1980,
c. 303

“participating local municipality” means a local municipality to which a by-law passed under subsection (2) applies;

“waste” means ashes, garbage, refuse, domestic waste, industrial solid waste or municipal refuse and such other wastes as may be designated by by-law passed by the council of a county;

“waste management plan” means a document adopted by the council of a county containing objectives and policies related to waste management powers and which may contain a description of the measures and procedures proposed to attain the objectives of the plan;

“waste management power” means any power conferred by any general or special Act on local municipalities or local boards thereof related to the collection, removal, disposal, treatment, storage, processing, transfer, reduction, reuse, recovery or recycling of waste.

(2) The council of a county may pass a by-law to empower it to adopt a waste management plan or to assume any or all of the waste management powers, or both, for all the local

Waste
management
plan and
waste
management
powers

municipalities forming part of the county for municipal purposes.

Exemption

(3) The council of a county may, with the consent of the council of the local municipality, by by-law exempt that local municipality from a by-law under subsection (2) but the consent is not required in respect of a repeal of the by-law.

Voting
requirements
for approval

(4) No by-law under subsection (2) or (3) may be passed or repealed unless,

- (a) at least two-thirds of all the votes on county council are cast in its favour; and
- (b) at least one vote is cast in its favour by the majority of the local municipalities forming part of the county for municipal purposes.

Preparation
of plan

(5) The council of a county may provide for the preparation and adoption of a waste management plan for which it has passed a by-law under subsection (2) but no plan shall be adopted until notice of the proposed plan containing such information as may be prescribed is given in the manner and to the persons and agencies prescribed.

Conformity
to plan

(6) If a waste management plan is in effect, the county or local board thereof or the participating local municipalities or local boards thereof shall not undertake any waste management service or facility or pass a by-law for any purpose under a waste management power that does not generally conform to the plan.

Non-
conforming
undertakings,
preliminary
steps
permitted

(7) Notwithstanding subsection (6), the county or local board thereof or the participating local municipalities or local boards thereof may consider the undertaking of a waste management service or facility that does not conform with the waste management plan and for that purpose may apply for any approval that may be required, carry out investigations, obtain any reports or take other preliminary steps incidental to and reasonably necessary for the undertaking of the work.

Limitation

(8) Nothing in subsection (7) authorizes the actual undertaking of any waste management service or facility that does not conform with a waste management plan.

Effect of
by-law

(9) When a by-law passed under subsection (2) comes into effect,

- (a) the county is responsible for the waste management powers assumed by the county in all participating local municipalities;
- (b) the county has all the powers conferred by any general or special Act upon the participating local municipalities or local boards thereof related to the waste management powers assumed by the county.

(10) If a waste management power has been assumed by the county, no person or municipality shall provide waste management services or facilities under a similar or equivalent power within the participating local municipalities without the consent of the council of the county, which consent may be given upon such terms and conditions, including the payment of compensation, as may be agreed upon.

County has exclusive jurisdiction

(11) Subsection (10) does not apply to prevent any person or municipality which does not form part of the county for municipal purposes or which is not a participating municipality from providing a waste management service or facility if that waste management service or facility was being lawfully provided on the effective date of the by-law, so long as that waste management service or facility continues without interruption.

Continuation of waste management services

(12) If consent is refused under subsection (10) or the applicant and the council of the county fail to agree on the terms and conditions related to the consent, the applicant may appeal to the Municipal Board which shall hear and determine the matter.

Appeal to O.M.B. where disagreement or consent denied

(13) The Municipal Board may impose such terms and conditions as it considers appropriate and the decision of the Municipal Board is final.

Terms

(14) Section 94 of the *Ontario Municipal Board Act* does not apply to a decision made under subsection (13).

Non-application of R.S.O. 1980, c. 347, s. 94

(15) All rights and obligations and all assets and liabilities of a participating local municipality or local board thereof pertaining to or primarily used in connection with the waste management powers assumed by the county are vested in the county and financial adjustments, calculated in accordance with such criteria as may be prescribed, shall be made between the county and the participating local municipality or local board thereof.

Transfer of assets, liabilities

(16) The county shall pay to the participating local municipality or local board thereof on or before the due date all amounts of principal and interest becoming due upon any out-

Assumption by county of certain debts

standing debt of such participating local municipality or local board thereof in respect of the waste management powers assumed by the county.

Interest on
late payments

(17) If the county fails to make any payment required under subsection (16) on or before the due date, the participating local municipality or local board may charge the county interest at the rate of 15 per cent per annum, or such lower rate as the local municipality or local board determines, from such date until payment is made.

Transfer of
agreements
to county

(18) If a participating local municipality or local board thereof had entered into an agreement with another person or municipality in respect of the waste management power assumed by the county, the county shall be bound by the agreement and the participating local municipality or local board thereof is relieved of all liability under the agreement.

Agreements
respecting
waste
management

(19) The council of the county may enter into agreements with any person or municipality for establishing, constructing, operating or managing, at their joint expense and for their joint benefit, any waste management service or facility that is within the jurisdiction of the council as a result of the passage of the by-law under subsection (2).

Idem

(20) Where the county has passed a by-law under subsection (2) to empower it to adopt a waste management plan, the council of the county may enter into agreements with any municipality for developing, at their joint expense and for their joint benefit, joint objectives and policies for the provision of waste management services or facilities.

Collection of
waste
management
rates

(21) Notwithstanding section 368e, the council of a county may by by-law provide for imposing on and collecting from participating local municipalities in which it is providing waste management services or facilities, a waste management rate sufficient to pay the whole or such portion as the by-law may specify of the capital costs including debenture charges and expenditures for the maintenance and operation of the waste management services or facilities in the participating local municipalities and such rate may vary based on the volume, weight or class of waste or on any other basis the council of the county considers appropriate and specifies in the by-law.

Rates
constitute
debt of
county

(22) All rates under subsection (21) constitute a debt of the participating local municipality to the county and shall be payable at such times and in such amounts as may be specified by by-law of the council of the county.

(23) Notwithstanding sections 368 and 368e, the participating local municipality may,

Payment and
collection of
rates

- (a) pay the whole or part of the amount chargeable to it under this section out of its general funds;
- (b) pass by-laws for imposing a rate sufficient to recover the whole or part of the amount chargeable to it under this section in the same manner as by-laws under paragraphs 85 and 86 of section 210 may be passed; and
- (c) include the whole or any part of an amount chargeable to it under this section as part of the cost of an urban service within an urban service area established in the participating local municipality under any general or special Act.

(24) If under a by-law passed under subsection (2) a county assumed the responsibility for providing services or facilities for the disposal, treatment, storage, processing, transfer, reduction, reuse, recovery or recycling of waste, the council of the county may, for each participating local municipality, designate one or more services or facilities for the disposal, treatment, storage, processing, transfer, reduction, reuse, recovery or recycling of waste or any class or classes thereof and, where such a designation has been made, a participating local municipality shall not utilize any services or facilities except the services or facilities that have been so designated for that local municipality.

Designation
and
utilization of
waste
management
facilities

(25) If a dispute arises in respect of the financial adjustments or the vesting of assets, including a reserve fund, under subsection (15), the county, participating local municipality or local board affected may apply to the Municipal Board for a resolution of the dispute and the Municipal Board has power to hear and determine the matter and its decision is final.

Dispute
resolution

(26) Section 94 of the *Ontario Municipal Board Act* does not apply to a decision made under subsection (25).

Non-
application of
R.S.O. 1980,
c. 347, s. 94

(27) The Lieutenant Governor in Council may make regulations,

Regulations

- (a) prescribing, for the purposes of subsection (5), the persons and agencies that are to be given notice, the manner in which notice is to be given and the information that must be contained therein;

- (b) providing for the security of employment and the protection of benefits of employees affected by by-laws passed or repealed under this section;
- (c) prescribing the criteria for determining the amount of the financial adjustments payable under subsection (15) and for providing which body shall pay and which body shall receive the financial adjustments under that subsection;
- (d) establishing a dispute settlement mechanism that may be used to attempt to resolve a dispute described in subsection (25) before an application is made to the Municipal Board.

2. Subsection 368 (1) of the said Act is amended by adding at the commencement thereof “Subject to section 209a but”.

Commence-
ment

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. The short title of this Act is the *Municipal Amendment Act, 1989*.

2ND SESSION, 34TH LEGISLATURE, ONTARIO38 ELIZABETH II, 1989

Bill 201

An Act to amend the Municipal Act

The Hon. J. Eakins
Minister of Municipal Affairs

<i>1st Reading</i>	January 12th, 1989
<i>2nd Reading</i>	June 21st, 1989
<i>3rd Reading</i>	
<i>Royal Assent</i>	

*Continued from the 1st Session by an Order of the
Legislative Assembly of March 2nd, 1989.*

(Reprinted as amended by the Committee of the Whole House)

EXPLANATORY NOTES

The purpose of the Bill is to enable a county council to pass by-laws assuming power over waste management in the county. A by-law to this effect requires approval by a two-thirds vote of all the votes on county council and by at least one vote from a majority of the local municipalities forming part of the county for municipal purposes.

If the county council adopts a waste management plan or assumes power over waste management functions, the power of the local municipalities in this area is restricted.

If disputes arise under the Act, the Ontario Municipal Board may determine the matter (subsections 209a (12) and (25)).

Bill 201

1989

An Act to amend the Municipal Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The *Municipal Act*, being chapter 302 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following section:

209a.—(1) In this section,

Definitions

“municipality” means a municipality as defined in the *Municipal Affairs Act*, and a metropolitan, regional or district municipality and the County of Oxford or a local board of a metropolitan, regional or district municipality or of the County of Oxford;

R.S.O. 1980,
c. 303

“participating local municipality” means a local municipality to which a by-law passed under subsection (2) applies;

“waste” means ashes, garbage, refuse, domestic waste, industrial solid waste or municipal refuse and such other wastes as may be designated by by-law passed by the council of a county;

“waste management plan” means a document adopted by the council of a county containing objectives and policies related to waste management powers and which may contain a description of the measures and procedures proposed to attain the objectives of the plan;

“waste management power” means any power conferred by any general or special Act on local municipalities or local boards thereof related to the collection, removal, disposal, treatment, storage, processing, transfer, reduction, reuse, recovery or recycling of waste.

(2) The council of a county may pass a by-law to empower it to adopt a waste management plan or to assume any or all of the waste management powers, or both, for all the local

Waste
management
plan and
waste
management
powers

municipalities forming part of the county for municipal purposes.

Exemption

(3) The council of a county may, with the consent of the council of the local municipality, by by-law exempt that local municipality from a by-law under subsection (2) but the consent is not required in respect of a repeal of the by-law.

Voting
requirements
for approval

(4) No by-law under subsection (2) or (3) may be passed or repealed unless,

- (a) at least two-thirds of all the votes on county council are cast in its favour; and
- (b) at least one vote is cast in its favour by the majority of the local municipalities forming part of the county for municipal purposes.

Preparation
of plan

(5) The council of a county may provide for the preparation and adoption of a waste management plan for which it has passed a by-law under subsection (2) but no plan shall be adopted until notice of the proposed plan containing such information as may be prescribed is given in the manner and to the persons and agencies prescribed.

Conformity
to plan

(6) If a waste management plan is in effect, the county or local board thereof or the participating local municipalities or local boards thereof shall not undertake any waste management service or facility or pass a by-law for any purpose under a waste management power that does not generally conform to the plan.

Non-
conforming
undertakings,
preliminary
steps
permitted

(7) Notwithstanding subsection (6), the county or local board thereof or the participating local municipalities or local boards thereof may consider the undertaking of a waste management service or facility that does not conform with the waste management plan and for that purpose may apply for any approval that may be required, carry out investigations, obtain any reports or take other preliminary steps incidental to and reasonably necessary for the undertaking of the work.

Limitation

(8) Nothing in subsection (7) authorizes the actual undertaking of any waste management service or facility that does not conform with a waste management plan.

Effect of
by-law

(9) When a by-law passed under subsection (2) comes into effect,

- (a) the county is responsible for the waste management powers assumed by the county in all participating local municipalities;
- (b) the county has all the powers conferred by any general or special Act upon the participating local municipalities or local boards thereof related to the waste management powers assumed by the county.



(10) If a county has assumed the power for providing services or facilities for the collection, removal, disposal, treatment, storage, processing, transfer, reduction, reuse, recovery or recycling of waste, no municipality under a similar or equivalent power, and no person, shall provide such services or facilities within the participating local municipalities without the consent of the council of the county, which consent may be given upon such terms and conditions, including the payment of compensation, as may be agreed upon.

County has exclusive jurisdiction



(11) Subsection (10) does not apply to prevent any person or municipality which does not form part of the county for municipal purposes or which is not a participating municipality from providing a waste management service or facility if that waste management service or facility was being lawfully provided on the effective date of the by-law, so long as that waste management service or facility continues without interruption.

Continuation of waste management services

(12) If consent is refused under subsection (10) or the applicant and the council of the county fail to agree on the terms and conditions related to the consent, the applicant may appeal to the Municipal Board which shall hear and determine the matter.

Appeal to O.M.B. where disagreement or consent denied

(13) The Municipal Board may impose such terms and conditions as it considers appropriate and the decision of the Municipal Board is final.

Terms

(14) Section 94 of the *Ontario Municipal Board Act* does not apply to a decision made under subsection (13).

Non-application of R.S.O. 1980, c. 347, s. 94

(15) All rights and obligations and all assets and liabilities of a participating local municipality or local board thereof pertaining to or primarily used in connection with the waste management powers assumed by the county are vested in the county and financial adjustments, calculated in accordance with such criteria as may be prescribed, shall be made between the county and the participating local municipality or local board thereof.

Transfer of assets, liabilities

Assumption
by county of
certain debts

(16) The county shall pay to the participating local municipality or local board thereof on or before the due date all amounts of principal and interest becoming due upon any outstanding debt of such participating local municipality or local board thereof in respect of the waste management powers assumed by the county.

Interest on
late payments

(17) If the county fails to make any payment required under subsection (16) on or before the due date, the participating local municipality or local board may charge the county interest at the rate of 15 per cent per annum, or such lower rate as the local municipality or local board determines, from such date until payment is made.

Transfer of
agreements
to county

(18) If a participating local municipality or local board thereof had entered into an agreement with another person or municipality in respect of the waste management power assumed by the county, the county shall be bound by the agreement and the participating local municipality or local board thereof is relieved of all liability under the agreement.

Agreements
respecting
waste
management

(19) The council of the county may enter into agreements with any person or municipality for establishing, constructing, operating or managing, at their joint expense and for their joint benefit, any waste management service or facility that is within the jurisdiction of the council as a result of the passage of the by-law under subsection (2).

Idem

(20) Where the county has passed a by-law under subsection (2) to empower it to adopt a waste management plan, the council of the county may enter into agreements with any municipality for developing, at their joint expense and for their joint benefit, joint objectives and policies for the provision of waste management services or facilities.

Collection of
waste
management
rates

(21) Notwithstanding section 368e, the council of a county may by by-law provide for imposing on and collecting from participating local municipalities in which it is providing waste management services or facilities, a waste management rate sufficient to pay the whole or such portion as the by-law may specify of the capital costs including debenture charges and expenditures for the maintenance and operation of the waste management services or facilities in the participating local municipalities and such rate may vary based on the volume, weight or class of waste or on any other basis the council of the county considers appropriate and specifies in the by-law.

Rates
constitute
debt of
county

(22) All rates under subsection (21) constitute a debt of the participating local municipality to the county and shall be pay-

able at such times and in such amounts as may be specified by by-law of the council of the county.

(23) Notwithstanding sections 368 and 368e, the participating local municipality may, Payment and collection of rates

- (a) pay the whole or part of the amount chargeable to it under this section out of its general funds;
- (b) pass by-laws for imposing a rate sufficient to recover the whole or part of the amount chargeable to it under this section in the same manner as by-laws under paragraphs 85 and 86 of section 210 may be passed; and
- (c) include the whole or any part of an amount chargeable to it under this section as part of the cost of an urban service within an urban service area established in the participating local municipality under any general or special Act.

(24) If under a by-law passed under subsection (2) a county assumed the responsibility for providing services or facilities for the disposal, treatment, storage, processing, transfer, reduction, reuse, recovery or recycling of waste, the council of the county may, for each participating local municipality, designate one or more services or facilities for the disposal, treatment, storage, processing, transfer, reduction, reuse, recovery or recycling of waste or any class or classes thereof and, where such a designation has been made, a participating local municipality shall not utilize any services or facilities except the services or facilities that have been so designated for that local municipality. Designation and utilization of waste management facilities

(25) If a dispute arises in respect of the financial adjustments or the vesting of assets, including a reserve fund, under subsection (15), or the transfer of agreements under subsection (18), the county, participating local municipality or local board affected may apply to the Municipal Board for a resolution of the dispute and the Municipal Board has power to hear and determine the matter and its decision is final. Dispute resolution

(26) Section 94 of the *Ontario Municipal Board Act* does not apply to a decision made under subsection (25). Non-application of R.S.O. 1980, c. 347, s. 94

(27) The Lieutenant Governor in Council may make regulations, Regulations

- (a) prescribing, for the purposes of subsection (5), the persons and agencies that are to be given notice, the

manner in which notice is to be given and the information that must be contained therein;

- (b) providing for the security of employment and the protection of benefits of employees affected by by-laws passed or repealed under this section;
- (c) prescribing the criteria for determining the amount of the financial adjustments payable under subsection (15) and for providing which body shall pay and which body shall receive the financial adjustments under that subsection;
- (d) establishing a dispute settlement mechanism that may be used to attempt to resolve a dispute described in subsection (25) before an application is made to the Municipal Board.

2. Subsection 368 (1) of the said Act is amended by adding at the commencement thereof “Subject to section 209a but”.

Commence-
ment

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. The short title of this Act is the *Municipal Amendment Act, 1989*.

Bill 201

(Chapter 43
Statutes of Ontario, 1989)

An Act to amend the Municipal Act

The Hon. J. Eakins
Minister of Municipal Affairs

<i>1st Reading</i>	January 12th, 1989
<i>2nd Reading</i>	June 21st, 1989
<i>3rd Reading</i>	July 13th, 1989
<i>Royal Assent</i>	July 13th, 1989

*Continued from the 1st Session by an Order of the
Legislative Assembly of March 2nd, 1989.*

Bill 201

1989

An Act to amend the Municipal Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The *Municipal Act*, being chapter 302 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following section:

209a.—(1) In this section,

Definitions

“municipality” means a municipality as defined in the *Municipal Affairs Act*, and a metropolitan, regional or district municipality and the County of Oxford or a local board of a metropolitan, regional or district municipality or of the County of Oxford;

R.S.O. 1980,
c. 303

“participating local municipality” means a local municipality to which a by-law passed under subsection (2) applies;

“waste” means ashes, garbage, refuse, domestic waste, industrial solid waste or municipal refuse and such other wastes as may be designated by by-law passed by the council of a county;

“waste management plan” means a document adopted by the council of a county containing objectives and policies related to waste management powers and which may contain a description of the measures and procedures proposed to attain the objectives of the plan;

“waste management power” means any power conferred by any general or special Act on local municipalities or local boards thereof related to the collection, removal, disposal, treatment, storage, processing, transfer, reduction, reuse, recovery or recycling of waste.

(2) The council of a county may pass a by-law to empower it to adopt a waste management plan or to assume any or all of the waste management powers, or both, for all the local

Waste
management
plan and
waste
management
powers

municipalities forming part of the county for municipal purposes.

Exemption

(3) The council of a county may, with the consent of the council of the local municipality, by by-law exempt that local municipality from a by-law under subsection (2) but the consent is not required in respect of a repeal of the by-law.

Voting
requirements
for approval

(4) No by-law under subsection (2) or (3) may be passed or repealed unless,

- (a) at least two-thirds of all the votes on county council are cast in its favour; and
- (b) at least one vote is cast in its favour by the majority of the local municipalities forming part of the county for municipal purposes.

Preparation
of plan

(5) The council of a county may provide for the preparation and adoption of a waste management plan for which it has passed a by-law under subsection (2) but no plan shall be adopted until notice of the proposed plan containing such information as may be prescribed is given in the manner and to the persons and agencies prescribed.

Conformity
to plan

(6) If a waste management plan is in effect, the county or local board thereof or the participating local municipalities or local boards thereof shall not undertake any waste management service or facility or pass a by-law for any purpose under a waste management power that does not generally conform to the plan.

Non-
conforming
undertakings,
preliminary
steps
permitted

(7) Notwithstanding subsection (6), the county or local board thereof or the participating local municipalities or local boards thereof may consider the undertaking of a waste management service or facility that does not conform with the waste management plan and for that purpose may apply for any approval that may be required, carry out investigations, obtain any reports or take other preliminary steps incidental to and reasonably necessary for the undertaking of the work.

Limitation

(8) Nothing in subsection (7) authorizes the actual undertaking of any waste management service or facility that does not conform with a waste management plan.

Effect of
by-law

(9) When a by-law passed under subsection (2) comes into effect,

- (a) the county is responsible for the waste management powers assumed by the county in all participating local municipalities;
- (b) the county has all the powers conferred by any general or special Act upon the participating local municipalities or local boards thereof related to the waste management powers assumed by the county.

(10) If a county has assumed the power for providing services or facilities for the collection, removal, disposal, treatment, storage, processing, transfer, reduction, reuse, recovery or recycling of waste, no municipality under a similar or equivalent power, and no person, shall provide such services or facilities within the participating local municipalities without the consent of the council of the county, which consent may be given upon such terms and conditions, including the payment of compensation, as may be agreed upon.

County has exclusive jurisdiction

(11) Subsection (10) does not apply to prevent any person or municipality which does not form part of the county for municipal purposes or which is not a participating municipality from providing a waste management service or facility if that waste management service or facility was being lawfully provided on the effective date of the by-law, so long as that waste management service or facility continues without interruption.

Continuation of waste management services

(12) If consent is refused under subsection (10) or the applicant and the council of the county fail to agree on the terms and conditions related to the consent, the applicant may appeal to the Municipal Board which shall hear and determine the matter.

Appeal to O.M.B. where disagreement or consent denied

(13) The Municipal Board may impose such terms and conditions as it considers appropriate and the decision of the Municipal Board is final.

Terms

(14) Section 94 of the *Ontario Municipal Board Act* does not apply to a decision made under subsection (13).

Non-application of R.S.O. 1980, c. 347, s. 94

(15) All rights and obligations and all assets and liabilities of a participating local municipality or local board thereof pertaining to or primarily used in connection with the waste management powers assumed by the county are vested in the county and financial adjustments, calculated in accordance with such criteria as may be prescribed, shall be made between the county and the participating local municipality or local board thereof.

Transfer of assets, liabilities

Assumption
by county of
certain debts

(16) The county shall pay to the participating local municipality or local board thereof on or before the due date all amounts of principal and interest becoming due upon any outstanding debt of such participating local municipality or local board thereof in respect of the waste management powers assumed by the county.

Interest on
late payments

(17) If the county fails to make any payment required under subsection (16) on or before the due date, the participating local municipality or local board may charge the county interest at the rate of 15 per cent per annum, or such lower rate as the local municipality or local board determines, from such date until payment is made.

Transfer of
agreements
to county

(18) If a participating local municipality or local board thereof had entered into an agreement with another person or municipality in respect of the waste management power assumed by the county, the county shall be bound by the agreement and the participating local municipality or local board thereof is relieved of all liability under the agreement.

Agreements
respecting
waste
management

(19) The council of the county may enter into agreements with any person or municipality for establishing, constructing, operating or managing, at their joint expense and for their joint benefit, any waste management service or facility that is within the jurisdiction of the council as a result of the passage of the by-law under subsection (2).

Idem

(20) Where the county has passed a by-law under subsection (2) to empower it to adopt a waste management plan, the council of the county may enter into agreements with any municipality for developing, at their joint expense and for their joint benefit, joint objectives and policies for the provision of waste management services or facilities.

Collection of
waste
management
rates

(21) Notwithstanding section 368e, the council of a county may by by-law provide for imposing on and collecting from participating local municipalities in which it is providing waste management services or facilities, a waste management rate sufficient to pay the whole or such portion as the by-law may specify of the capital costs including debenture charges and expenditures for the maintenance and operation of the waste management services or facilities in the participating local municipalities and such rate may vary based on the volume, weight or class of waste or on any other basis the council of the county considers appropriate and specifies in the by-law.

Rates
constitute
debt of
county

(22) All rates under subsection (21) constitute a debt of the participating local municipality to the county and shall be pay-

able at such times and in such amounts as may be specified by by-law of the council of the county.

(23) Notwithstanding sections 368 and 368e, the participating local municipality may, Payment and collection of rates

- (a) pay the whole or part of the amount chargeable to it under this section out of its general funds;
- (b) pass by-laws for imposing a rate sufficient to recover the whole or part of the amount chargeable to it under this section in the same manner as by-laws under paragraphs 85 and 86 of section 210 may be passed; and
- (c) include the whole or any part of an amount chargeable to it under this section as part of the cost of an urban service within an urban service area established in the participating local municipality under any general or special Act.

(24) If under a by-law passed under subsection (2) a county assumed the responsibility for providing services or facilities for the disposal, treatment, storage, processing, transfer, reduction, reuse, recovery or recycling of waste, the council of the county may, for each participating local municipality, designate one or more services or facilities for the disposal, treatment, storage, processing, transfer, reduction, reuse, recovery or recycling of waste or any class or classes thereof and, where such a designation has been made, a participating local municipality shall not utilize any services or facilities except the services or facilities that have been so designated for that local municipality. Designation and utilization of waste management facilities

(25) If a dispute arises in respect of the financial adjustments or the vesting of assets, including a reserve fund, under subsection (15), or the transfer of agreements under subsection (18), the county, participating local municipality or local board affected may apply to the Municipal Board for a resolution of the dispute and the Municipal Board has power to hear and determine the matter and its decision is final. Dispute resolution

(26) Section 94 of the *Ontario Municipal Board Act* does not apply to a decision made under subsection (25). Non-application of R.S.O. 1980, c. 347, s. 94

(27) The Lieutenant Governor in Council may make regulations, Regulations

- (a) prescribing, for the purposes of subsection (5), the persons and agencies that are to be given notice, the

manner in which notice is to be given and the information that must be contained therein;

- (b) providing for the security of employment and the protection of benefits of employees affected by by-laws passed or repealed under this section;
- (c) prescribing the criteria for determining the amount of the financial adjustments payable under subsection (15) and for providing which body shall pay and which body shall receive the financial adjustments under that subsection;
- (d) establishing a dispute settlement mechanism that may be used to attempt to resolve a dispute described in subsection (25) before an application is made to the Municipal Board.

2. Subsection 368 (1) of the said Act is amended by adding at the commencement thereof “Subject to section 209a but”.

Commence-
ment

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. The short title of this Act is the *Municipal Amendment Act, 1989*.

Bill 202

An Act respecting the regulation of the Profession of Pharmacy

The Hon. E. Caplan
Minister of Health



<i>1st Reading</i>	June 6th, 1990
<i>2nd Reading</i>	
<i>3rd Reading</i>	
<i>Royal Assent</i>	

EXPLANATORY NOTE

The Bill provides for the regulation of the profession of pharmacy by the Ontario College of Pharmacists which is continued. The College continues to be responsible for the regulation of drugs and pharmacies under the *Drug and Pharmacies Regulation Act*. This is reflected in the additional objects in section 6. The Health Professions Procedural Code, which contains the main procedural provisions applicable in regulating the profession, is deemed to be part of the Bill in subsection 2 (1). Section 4 sets out the controlled acts that members of the College are authorized to perform. Section 17 restricts the use of the titles "apothecary", "druggist", "pharmacist" and "pharmaceutical chemist" to members. The remainder of the Bill relates to the internal working of the College and the regulation of the profession of pharmacy.

Bill 202

1990

An Act respecting the regulation of the Profession of Pharmacy

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Definitions

“College” means the Ontario College of Pharmacists;

“Health Professions Procedural Code” means the Health Professions Procedural Code set out in Schedule 2 to the *Health Professions Regulation Act, 1990*;

1990, c. ...

“profession” means the profession of pharmacy;

“this Act” includes the Health Professions Procedural Code.

2.—(1) The Health Professions Procedural Code is deemed to be part of this Act.

Health Professions
Procedural
Code part of
this Act

(2) In the Health Professions Procedural Code as it applies in respect of this Act,

Terms in
Code

“profession” means the profession of pharmacy;

“this Act” means this Act and the Health Professions Procedural Code.

(3) Definitions in the Health Professions Procedural Code apply with necessary modifications to terms in this Act.

Definitions in
Code

3. The practice of pharmacy is the custody, compounding and dispensing of drugs, the provision of non-prescription drugs, health care aids and devices and the provision of information related to drug use.

Scope of
practice

Authorized acts	<p>4. In the course of engaging in the practice of pharmacy, a member is authorized, subject to the terms, conditions and limitations imposed on his or her certificate of registration, to dispense, sell or compound a drug or supervise the part of a pharmacy where drugs are kept.</p>
College continued	<p>5. The College is continued.</p>
Additional objects	<p>6. In addition to the objects of the College set out in subsection 3 (1) of the Health Professions Procedural Code, the College has the following objects:</p>
1990, c. ...	<p>1. To regulate drugs and pharmacies under the <i>Drug and Pharmacies Regulation Act</i>.</p> <p>2. To develop, establish and maintain standards of qualification for persons to be issued certificates of accreditation.</p>
Council	<p>7.—(1) The Council shall be composed of,</p> <p>(a) at least nine and no more than twenty persons who are members elected in the prescribed manner;</p> <p>(b) nine persons appointed by the Lieutenant Governor in Council who are not,</p> <p>(i) members,</p> <p>(ii) members of a College as defined in the <i>Health Professions Regulation Act, 1990</i>, or</p> <p>(iii) members of a Council as defined in the <i>Health Professions Regulation Act, 1990</i>; and</p> <p>(c) the dean of each faculty of pharmacy of the universities in Ontario.</p>
Who can vote in elections	<p>(2) Subject to the regulations, every member who practises or resides in Ontario and who is not in default of payment of the annual membership fee is entitled to vote in an election of members of the Council.</p>
President and Vice-President	<p>8. The Council shall have a President and Vice-President who shall be elected annually by the Council from among the Council's members.</p>
Executive Committee	<p>9.—(1) The Executive Committee shall be composed of,</p> <p>(a) the President and Vice-President of the Council;</p>

- (b) two members of the Council who are members of the College; and
- (c) one member of the Council appointed to the Council by the Lieutenant Governor in Council.

(2) The President of the Council shall be the chair of the Executive Committee. President to be chair

10. The Registration Committee shall be composed of, Registration Committee

- (a) four members of the Council who are members of the College; and
- (b) one member of the Council appointed to the Council by the Lieutenant Governor in Council.

11. The Complaints Committee shall be composed of, Complaints Committee

- (a) three members of the Council who are members of the College; and
- (b) one member of the Council appointed to the Council by the Lieutenant Governor in Council.

12. The Discipline Committee shall be composed of, Discipline Committee

- (a) six members of the Council who are members of the College;
- (b) four members of the Council appointed to the Council by the Lieutenant Governor in Council; and
- (c) five members.

13. The Fitness to Practise Committee shall be composed of, Fitness to Practise Committee

- (a) four members of the Council who are members of the College; and
- (b) one member of the Council appointed to the Council by the Lieutenant Governor in Council.

14. The Quality Assurance Committee shall be composed of, Quality Assurance Committee

- (a) two members of the Council who are members of the College;

- (b) one member of the Council appointed to the Council by the Lieutenant Governor in Council; and
- (c) two members.

Accreditation
Committee

15.—(1) The College shall have an Accreditation Committee which shall be composed of,

- (a) three members of the Council who are members of the College; and
- (b) one member of the Council appointed to the Council by the Lieutenant Governor in Council.

Idem

(2) No member of the Discipline Committee shall be a member of the Accreditation Committee.

Quorum

(3) Three members of the Accreditation Committee constitute a quorum.

Appointment
of committee
members by
Council

16. The Council shall appoint the members of the committees mentioned in sections 9 to 15.

Restricted
titles

17.—(1) No person other than a member shall use the titles “apothecary”, “druggist”, “pharmacist” or “pharmaceutical chemist”, a variation or abbreviation of them or their equivalents in another language in the course of providing or offering to provide, in Ontario, health care to individuals.

Represent-
ations of
qualification,
etc.

(2) No person other than a member shall hold himself or herself out as a person who is qualified to practise in Ontario as a pharmacist or in a specialty of pharmacy.

Notice if
suggestions
referred to
Advisory
Council
1990, c. ...

18.—(1) The Registrar shall give a notice to each member if the Minister refers, to the Advisory Council as defined in the *Health Professions Regulation Act, 1990*, a suggested,

- (a) amendment to this Act;
- (b) amendment to a regulation made by the Council under this Act; or
- (c) regulation to be made by the Council under this Act.

Requirements
re notice

(2) A notice mentioned in subsection (1) shall set out the suggestion referred to the Advisory Council and the notice shall be given within thirty days after the Council of the College receives the Minister’s notice of the suggestion.

19. Every person who contravenes subsection 17 (1) or (2) is guilty of an offence and on conviction is liable to a fine of not more than \$5,000 for a first offence or not more than \$10,000 for a subsequent offence.

Offence

20. Subject to the approval of the Lieutenant Governor in Council and with prior review by the Minister, the College may make regulations respecting the delegation by or to members of controlled acts set out in subsection 26 (2) of the *Health Professions Regulation Act, 1990*.

Regulations

1990, c. ...

21. A person who, on the day before this Act comes into force, holds a licence issued under Part VI of the *Health Disciplines Act*, being chapter 196 of the Revised Statutes of Ontario, 1980, is deemed to be the holder of a certificate of registration issued under this Act subject to any term, condition or limitation to which the licence was subject.

Transitional

22.—(1) The transitional Council is the Council of the Ontario College of Pharmacists as it exists from time to time between the day this Act receives Royal Assent and the day it comes into force.

Transition
before Act
comes into
force

(2) After this Act receives Royal Assent but before it comes into force, the transitional Council and its employees and committees may do anything that is necessary or advisable for the coming into force of this Act and that the Council and its employees and committees could do under this Act if it were in force.

Powers of
transitional
Council
before Act in
force

(3) Without limiting the generality of subsection (2), the transitional Council may appoint a Registrar and the Registrar and the Council's committees may accept and process applications for the issue of certificates of registration, charge application fees and issue certificates of registration.

Idem

(4) The Minister may,

Powers of
Minister

- (a) review the transitional Council's activities and require the transitional Council to provide reports and information;
- (b) require the transitional Council to make, amend or revoke a regulation under this Act;
- (c) require the transitional Council to do anything that, in the opinion of the Minister, is necessary or advisable to carry out the intent of this Act and the *Health Professions Regulation Act, 1990*.

1990, c. ...

Transitional
Council to
comply with
Minister's
request

(5) If the Minister has required the transitional Council to do anything under subsection (4), the transitional Council shall, within the time and in the manner specified by the Minister, comply with the requirement and submit a report.

Regulations

(6) If the Minister requires the transitional Council to make, amend or revoke a regulation under clause (4) (b) and the transitional Council does not do so within sixty days, the Lieutenant Governor in Council may make, amend or revoke the regulation.

Idem

(7) Subsection (6) does not give the Lieutenant Governor in Council authority to do anything that the transitional Council does not have authority to do.

Minister may
pay expenses

(8) The Minister may pay the transitional Council for expenses incurred in complying with a requirement under subsection (4).

Transition
after Act
comes into
force

23.—(1) After this Act comes into force, the transitional Council shall be the Council of the College if it is constituted in accordance with subsection 7 (1) or, if it is not, it shall be deemed to be the Council of the College until a new Council is constituted in accordance with subsection 7 (1) or until one year has elapsed, whichever comes first.

Terms of
members of
transitional
Council

(2) The term of a member of the transitional Council shall not expire while the transitional Council is deemed to be the Council of the College.

Vacancies

(3) The Lieutenant Governor in Council may appoint persons to fill vacancies on the transitional Council.

Composition
of
committees
of transi-
tional
Council

(4) Sections 9 to 15 do not apply to committees of the transitional Council.

Commence-
ment

24.—(1) This Act, except section 22, comes into force on a day to be named by proclamation of the Lieutenant Governor.

Idem

(2) Section 22 comes into force on the day this Act receives Royal Assent.

Idem

(3) Despite subsection (1), section 78 of the Health Professions Procedural Code, as it applies in respect of this Act, does not come into force until three years after this Act comes into force.

Short title

25. The short title of this Act is the *Pharmacy Act, 1990*.

Bill 203

An Act respecting the regulation of the Profession of Physiotherapy

The Hon. E. Caplan

Minister of Health



1st Reading June 6th, 1990

2nd Reading

3rd Reading

Royal Assent

EXPLANATORY NOTE

The Bill provides for the regulation of the profession of physiotherapy by the College of Physiotherapists. The Board of Directors of Physiotherapy is continued as the College. The Health Professions Procedural Code, which contains the main procedural provisions applicable in regulating the profession, is deemed to be part of the Bill in subsection 2 (1). Section 4 sets out the controlled acts that members of the College are authorized to perform. Section 15 restricts the use of the title "physiotherapist" to members. The remainder of the Bill relates to the internal working of the College and the regulation of the profession of physiotherapy.

Bill 203

1990

**An Act respecting the
regulation of the Profession of Physiotherapy**

HER MAJESTY, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts as
follows:

1. In this Act, Definitions

“College” means the College of Physiotherapists of Ontario;

“Health Professions Procedural Code” means the Health Pro-
fessions Procedural Code set out in Schedule 2 to the
Health Professions Regulation Act, 1990; 1990, c. ...

“profession” means the profession of physiotherapy;

“this Act” includes the Health Professions Procedural Code.

2.—(1) The Health Professions Procedural Code is Health
Professions
Procedural
Code part of
this Act
deemed to be part of this Act.

(2) In the Health Professions Procedural Code as it applies Terms in
Code
in respect of this Act,

“profession” means the profession of physiotherapy;

“this Act” means this Act and the Health Professions Proce-
dural Code.

(3) Definitions in the Health Professions Procedural Code Definitions in
Code
apply with necessary modifications to terms in this Act.

3. The practice of physiotherapy is the assessment of phys- Scope of
practice
ical function and the treatment, rehabilitation and prevention
of physical dysfunction, injury or pain, to develop, maintain,
rehabilitate or augment function or to relieve pain.

Authorized
acts

4. In the course of engaging in the practice of physiotherapy, a member is authorized, subject to the terms, conditions and limitations imposed on his or her certificate of registration, to move the joints of the spine beyond a person's usual physiological range of motion using a fast, low amplitude thrust.

Board
continued as
College

5. The Board of Directors of Physiotherapy is continued as the College of Physiotherapists of Ontario.

Council

6.—(1) The Council shall be composed of,

- (a) at least seven and no more than ten persons who are members elected in the prescribed manner;
- (b) at least four and no more than six persons appointed by the Lieutenant Governor in Council who are not,
 - (i) members,
 - (ii) members of a College as defined in the *Health Professions Regulation Act, 1990*, or
 - (iii) members of a Council as defined in the *Health Professions Regulation Act, 1990*; and
- (c) one or two persons selected in the prescribed manner from among members who are members of a faculty of physiotherapy of a university in Ontario.

1990, c. ...

Who can
vote in
elections

(2) Subject to the regulations, every member who practises or resides in Ontario and who is not in default of payment of the annual membership fee is entitled to vote in an election of members of the Council.

President and
Vice-
President

7. The Council shall have a President and Vice-President who shall be elected annually by the Council from among the Council's members.

Executive
Committee

8.—(1) The Executive Committee shall be composed of,

- (a) the President and Vice-President of the Council;
- (b) two members of the Council who are members of the College; and
- (c) one member of the Council appointed to the Council by the Lieutenant Governor in Council.

(2) The President of the Council shall be the chair of the Executive Committee. President to be chair

9. The Registration Committee shall be composed of, Registration Committee

- (a) two members of the Council who are members of the College;
- (b) one member of the Council appointed to the Council by the Lieutenant Governor in Council; and
- (c) one member.

10. The Complaints Committee shall be composed of, Complaints Committee

- (a) two members of the Council who are members of the College;
- (b) one member of the Council appointed to the Council by the Lieutenant Governor in Council; and
- (c) one member.

11. The Discipline Committee shall be composed of, Discipline Committee

- (a) three members of the Council who are members of the College;
- (b) two members of the Council appointed to the Council by the Lieutenant Governor in Council; and
- (c) two members.

12. The Fitness to Practise Committee shall be composed of, Fitness to Practise Committee

- (a) two members of the Council who are members of the College; and
- (b) one member of the Council appointed to the Council by the Lieutenant Governor in Council.

13. The Quality Assurance Committee shall be composed of, Quality Assurance Committee

- (a) two members of the Council who are members of the College;
- (b) one member of the Council appointed to the Council by the Lieutenant Governor in Council; and

(c) two members.

Appointment
of committee
members by
Council

14. The Council shall appoint the members of the committees mentioned in sections 8 to 13.

Restricted
titles

15.—(1) No person other than a member shall use the title “physiotherapist”, a variation or abbreviation of it or its equivalent in another language in the course of providing or offering to provide, in Ontario, health care to individuals.

Represent-
ations of
qualification,
etc.

(2) No person other than a member shall hold himself or herself out as a person who is qualified to practise in Ontario as a physiotherapist or in a specialty of physiotherapy.

Notice if
suggestions
referred to
Advisory
Council
1990, c. ...

16.—(1) The Registrar shall give a notice to each member if the Minister refers to the Advisory Council, as defined in the *Health Professions Regulation Act, 1990*, a suggested,

(a) amendment to this Act;

(b) amendment to a regulation made by the Council; or

(c) regulation to be made by the Council.

Requirements
re notice

(2) A notice mentioned in subsection (1) shall set out the suggestion referred to the Advisory Council and the notice shall be given within thirty days after the Council of the College receives the Minister’s notice of the suggestion.

Offence

17. Every person who contravenes subsection 15 (1) or (2) is guilty of an offence and on conviction is liable to a fine of not more than \$5,000 for a first offence or not more than \$10,000 for a subsequent offence.

Regulations

18. Subject to the approval of the Lieutenant Governor in Council and with prior review by the Minister, the College may make regulations,

(a) respecting the qualifications, number, selection and terms of office of Council members who are selected; and

(b) respecting the delegation by or to members of controlled acts set out in subsection 26 (2) of the *Health Professions Regulation Act, 1990*.

1990, c. ...

Transitional

19. A person who, on the day this Act comes into force, is registered as a physiotherapist under the *Drugless Practitioners Act*, being chapter 127 of the Revised Statutes of Ontario, 1980, is deemed to be the holder of a certificate of registration

issued under this Act subject to any term, condition or limitation to which the registration was subject.

20.—(1) The transitional Council is the Board of Directors of physiotherapy as it exists from time to time between the day this Act receives Royal Assent and the day it comes into force.

Transition before Act comes into force

(2) After this Act receives Royal Assent but before it comes into force, the transitional Council and its employees and committees may do anything that is necessary or advisable for the coming into force of this Act and that the Council and its employees and committees could do under this Act if it were in force.

Powers of transitional Council before Act in force

(3) Without limiting the generality of subsection (2), the transitional Council may appoint a Registrar and the Registrar and the Council's committees may accept and process applications for the issue of certificates of registration, charge application fees and issue certificates of registration.

Idem

- (4) The Minister may,
- Powers of Minister
- (a) review the transitional Council's activities and require the transitional Council to provide reports and information;
 - (b) require the transitional Council to make, amend or revoke a regulation under this Act;
 - (c) require the transitional Council to do anything that, in the opinion of the Minister, is necessary or advisable to carry out the intent of this Act and the *Health Professions Regulation Act, 1990*.
- 1990, c. ...

(5) If the Minister has required the transitional Council to do anything under subsection (4), the transitional Council shall, within the time and in the manner specified by the Minister, comply with the requirement and submit a report.

Transitional Council to comply with Minister's request

(6) If the Minister requires the transitional Council to make, amend or revoke a regulation under clause (4) (b) and the transitional Council does not do so within sixty days, the Lieutenant Governor in Council may make, amend or revoke the regulation.

Regulations

(7) Subsection (6) does not give the Lieutenant Governor in Council authority to do anything that the transitional Council does not have authority to do.

Idem

Minister may pay expenses (8) The Minister may pay the transitional Council for expenses incurred in complying with a requirement under subsection (4).

Transition after Act comes into force **21.**—(1) After this Act comes into force, the transitional Council shall be the Council of the College if it is constituted in accordance with subsection 6 (1) or, if it is not, it shall be deemed to be the Council of the College until a new Council is constituted in accordance with subsection 6 (1) or until one year has elapsed, whichever comes first.

Terms of members of transitional Council (2) The term of a member of the transitional Council shall continue for as long as the transitional Council is deemed to be the Council of the College.

Vacancies (3) The Lieutenant Governor in Council may appoint persons to fill vacancies on the transitional Council.

Composition of committees of transitional Council (4) Sections 8 to 13 do not apply to committees of the transitional Council.

Commencement **22.**—(1) This Act, except section 20, comes into force on a day to be named by proclamation of the Lieutenant Governor.

Idem (2) Section 20 comes into force on the day this Act receives Royal Assent.

Idem (3) Despite subsection (1), section 78 of the Health Professions Procedural Code, as it applies in respect of this Act, does not come into force until three years after this Act comes into force.

Short title **23.** The short title of this Act is the *Physiotherapy Act, 1990*.

Bill 204

An Act to amend the Power Corporation Act

The Hon. R. Wong
Minister of Energy



1st Reading January 23rd, 1989

2nd Reading

3rd Reading

Royal Assent

*Continued from the 1st Session by an Order of the
Legislative Assembly of March 2nd, 1989.*

EXPLANATORY NOTES

SECTION 1. Housekeeping.

SECTION 2. The potential size of the Board is increased by four members. The president is designated as chief executive officer of the Corporation. Directors are no longer restricted to serving only three terms. The chairperson is required to carry out such duties as the Board may from time to time stipulate.

SECTION 3. It is provided that no more than six weeks should elapse between meetings of the Board.

SECTION 4. The Board is authorized to delegate additional responsibilities to the finance committee and to appoint other committees and delegate powers to them. The Board and its committees are authorized to act by written resolution or electronic means that permit simultaneous and instantaneous discussion.

SECTION 5. The requirement that the chairperson be full time is removed.

SECTION 6. The indemnity provisions of the Act are extended to accord with the provisions of the *Business Corporations Act, 1982*.

SECTION 7. The Corporation is required to make such further reports and information available to the Minister of Energy or to the Treasurer as these ministers may from time to time require.

SECTION 8. The Minister of Energy is empowered to issue policy statements approved by the Lieutenant Governor in Council on matters relating to the Corporation's exercise of its powers and duties. The Corporation is required to respect the policy statements in exercising a power or duty and the Board is required to use its best efforts to ensure that the exercise of a power or duty broadly conforms to any such policy statement.

The Corporation is required to enter into a memorandum of understanding with the Minister of Energy and to comply with that memorandum in exercising its powers and duties.

The Corporation is required to prepare and submit to the Minister of Energy plans in such form and for such periods as the Minister may call for.

The Minister of Energy, with the approval of the Lieutenant Governor in Council, is empowered to appoint persons to conduct an inquiry concerning any matter to which the Act applies.

SECTION 9. Section 12 of the Act now provides that all money in the hands of the Corporation form one fund known as the general fund. The amendment provides that the Pension and Insurance Fund of Ontario Hydro is not part of the general fund.

SECTION 10. The Corporation is authorized to place the net proceeds resulting from related business ventures carried on by a subsidiary of the Corporation to the credit of the stabilization of rates and contingencies reserve account.

SECTION 11. The list of securities in which the Corporation is enabled to make investments is expanded to include any securities, financial contract agreements and investments prescribed by the regulations.

SECTION 12. The Corporation is authorized to establish other pension plans in addition to the Ontario Hydro Pension and Insurance Plan. The Act now provides that the terms of the Plan be prescribed by a regulation made by the Corporation and approved by the Lieutenant Governor in Council. The amendment authorizes the Corporation to establish its own rules relating to the terms of its pension plans.

SECTION 13. The Lieutenant Governor in Council may make regulations authorizing the Corporation to participate in economic development programs in respect of specific regions of the Province. The section also provides regulation making authority in respect of powers delegated to the finance committee, approved investments for the general fund and matters to be set out in the memorandum of understanding.

SECTIONS 14 and 15. Section 34 of the Act now provides that compensation for damage that does not constitute an expropriation or injurious affection shall be determined by a board of valuation set up under that section. The amendments provide that compensation shall be determined directly by the board of negotiations under the *Expropriations Act*.

SECTION 16. The Corporation is authorized to purchase residential premises from relocated employees and required to pay municipal tax on such premises as if they were owned by any other person.

SECTION 17. Housekeeping.

SECTION 18. The present provisions relating to continuance of easements in respect of the Corporation are extended to municipal corporations. The Corporation or municipal corporation is required, upon request, to inform a person intending to acquire an interest in land as to whether it has an unregistered easement relating to that land.

SECTION 19. The maximum fine for nailing or attaching things to the Corporation's property is increased from \$10 to \$200.

SECTION 20. Section 51 is amended to enable the Corporation to issue discount securities.

SECTION 21. The section authorizes the Lieutenant Governor in Council, on such terms as are approved by order in council, to guarantee payments of premiums in addition to principal and interest on securities.

SECTION 22. Housekeeping.

SECTION 23. The Corporation is given ancillary powers held by companies to which the *Corporations Act* applies. Some of these powers are given subject to approval by the Lieutenant Governor in Council.

SECTION 24. The list of matters that an energy conservation program may include is expanded to include programs to reduce electricity use through increased efficiency and programs to shift electrical loads from times of high demand to times of lower demand.

SECTION 25. The Corporation is enabled to provide incentives and technical assistance to encourage electricity conservation and promote the efficient use of electricity and of the electrical system.

SECTION 26. The Corporation is enabled to provide incentives and technical assistance to assist parallel generation.

SECTION 27. The Corporation is enabled to lease machinery and apparatus.

SECTION 28. The Corporation, subject to the approval of the Lieutenant Governor in Council, is enabled to engage in related business ventures and for the purpose to incorporate subsidiaries and to become involved in business ventures within and beyond Ontario.

SECTION 29. The maximum rate of interest to be charged to a municipal corporation on any payment in arrears for the cost of power is changed from 9 per cent per year to the Corporation's average short term borrowing rate.

SECTION 30. The Corporation is allowed to supply power to customers outside Canada only if that supply is surplus to the reasonably foreseeable power requirements of Ontario customers and other customers in Canada. The price for supplying power to customers outside Canada is required to be enough to recover the appropriate share of costs and more than the price charged to customers in Canada for equivalent service.

The Board is required to ensure that the requirements for power of Ontario customers and other customers in Canada are met before meeting the requirements for power of customers outside Canada.

SECTION 31. The rate of interest to be credited to a municipal corporation for any surplus held by the Corporation is changed from 4 per cent per year to the Corporation's average short term borrowing rate.

SECTION 32. The Corporation is given authority consistent with that exercised by municipal utilities under the *Public Utilities Act* to require customers to give reasonable security for the payment of rates and charges and to shut off the supply of power in default of payment.

SECTION 33. The Board now hears complaints as to rates charged for power by any municipal corporation, company or person supplied by the Corporation. Under the amendment, the complaints would be heard by a committee of the Board consisting of the chairperson and at least two other members of the Board.

SECTION 34. The regulation making authority of the Corporation is amended by allowing the Corporation to adopt other codes by reference and to require compliance with any code or standard of a municipal corporation.

The maximum penalty for interfering with an electrical inspector is increased from \$50 to \$500.

The maximum penalty for non-compliance with safety regulations is increased from \$500 to \$5,000.

SECTION 35. Section 95 of the Act allows the Corporation to make orders fixing the rates of municipal corporations having a population of less than 200,000 for power supplied by the Corporation. This is made to apply to all municipal corporations.

SECTION 36. Housekeeping.

Bill 204

1989

An Act to amend the Power Corporation Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of the *Power Corporation Act*, being chapter 384 of the Revised Statutes of Ontario, 1980, as amended by the Statutes of Ontario, 1981, chapter 16, section 1, is repealed and the following substituted therefor:

1.—(1) In this Act, unless the contrary intention appears, Definitions

“Board” means the board of directors of the Corporation;

“buildings” includes all buildings, structures and works that the Corporation may deem necessary for the purposes of this Act;

“chairperson” means the chairperson of the Board;

“Corporation” means the body corporate referred to in section 2;

“director” means a member of the Board;

“energy conservation program” means an energy conservation program under section 56a;

“heat energy” means energy that is conveyed in the medium of steam, hot water or hot air and that is produced for sale;

“land” means real property and includes tenements, hereditaments and appurtenances, and any estate, term, easement, right or interest in, to, over, under or affecting land;

“Minister” means the Minister of Energy;

“municipal corporation” means the corporation of a locality the inhabitants of which are incorporated and includes the

corporation of a metropolitan, regional or district municipality and The Corporation of the County of Oxford;

“owner” includes a mortgagee, lessee, tenant, occupant and any other person entitled to a limited estate or interest in land and a guardian, committee, executor, administrator or trustee in whom land is vested;

“power” means electrical power and includes electrical energy;

“prescribed” means prescribed by the regulations made under this Act;

“president” means the president of the Corporation;

“supply” includes delivery, dealing in, and sale;

“Treasurer of Ontario” means the Treasurer of Ontario and Minister of Economics;

“works” includes all roads, plant, machinery, buildings, erections, constructions, installations, materials, devices, fittings, apparatus, appliances, equipment and other property for the development, generation, transformation, transmission, conveying, distribution, supply or use of power.

Powers,
duties to be
exercised
from time to
time

(2) If a power is conferred or a duty is imposed on the Corporation or the Board, the power may be exercised and the duty shall be performed from time to time as occasion requires.

2.—(1) Subsection 3 (1) of the said Act is repealed and the following substituted therefor:

Composition
of Board

(1) There shall be a board of directors of the Corporation consisting of a chairperson, a vice-chairperson, a president and not more than fourteen other directors.

(2) Section 3 of the said Act is amended by adding thereto the following subsection:

Idem

(2a) The chairperson shall carry out the duties that are assigned to the chairperson by the Board.

(3) Subsection 3 (3) of the said Act is amended by striking out “two” in the fourth line.

(4) Section 3 of the said Act is further amended by adding thereto the following subsection:

(5a) The president shall be the chief executive officer of the Corporation.

Chief executive officer

3. Subsection 4 (2) of the said Act is repealed and the following substituted therefor:

(2) Meetings of the Board shall be held at the call of the chairperson.

Meetings of Board

(2a) The chairperson shall call at least one meeting of the Board in each calendar month and shall not allow more than six weeks to elapse between meetings of the Board.

Frequency of meetings

4.—(1) Subsection 5 (2) of the said Act is repealed and the following substituted therefor:

(2) The Board may appoint a finance committee consisting of the chairperson, the vice-chairperson, the president and at least three other directors.

Finance committee

(2) Section 5 of the said Act is amended by adding thereto the following subsections:

(4) The Board may delegate its powers under clause 17 (c) and sections 19, 51 and 55 and any prescribed powers to the finance committee.

Delegation of powers

(5) The Board may appoint other committees and may delegate to other committees any of its powers other than those described in subsection (4).

Other committees

(6) The Board may impose any restrictions on a delegation under subsection (4) or (5).

Restrictions

(7) If all the directors present at or participating in the meeting consent, a meeting of directors or of a committee of directors may be held by means of such telephone, electronic or other communication facilities as permit all persons participating in the meeting to communicate with each other simultaneously and instantaneously, and a director participating in such a meeting by such means is deemed to be present at that meeting.

Meetings by telephone, etc.

(8) A resolution in writing, signed by all the directors entitled to vote on that resolution at a meeting of directors or a committee of directors, is as valid as if it had been passed at a meeting of directors or a committee of directors.

Resolutions in writing

Copy to be kept

(9) A copy of every resolution passed under subsection (1) shall be kept with the minutes of the proceedings of the directors or committee of directors.

5. Subsection 6 (1) of the said Act is repealed.

6. Subsection 7 (5) of the said Act is repealed and the following substituted therefor:

Indemnification of directors, etc. 1982, c. 4

(5) Section 136 of the *Business Corporations Act, 1982* applies with necessary modifications to the Corporation as if it were a corporation incorporated under that Act.

Idem

(5a) Section 136 of that Act applies in respect of employees, former employees and their heirs and legal representatives in the same manner that it applies in respect of officers, former officers and their heirs and legal representatives.

7. Section 9 of the said Act is amended by adding thereto the following subsection:

Other reports

(2) The Corporation shall make such further reports and provide such further information to the Minister or the Treasurer of Ontario as required from time to time.

8. The said Act is amended by adding thereto the following sections:

Policy statements

9a.—(1) The Minister may from time to time issue policy statements that have been approved by the Lieutenant Governor in Council on matters relating to the Corporation's exercise of its powers and duties under this Act.

Corporation to respect policy statements

(2) In exercising a power or duty under this Act, the Corporation shall respect any policy statement that relates to its exercise.

Board to ensure exercise conforms to statement

(3) In exercising a power or duty under this Act, the Board shall use its best efforts to ensure that such exercise broadly conforms to any policy statement that relates to its exercise, and shall report to the Minister whenever it does exercise a power or duty that relates to a policy statement.

Memorandum of understanding

9b.—(1) Within six months after the coming into force of this section and at least once in every three years thereafter, the Corporation and the Minister shall enter into a memorandum of understanding.

Contents of memorandum

(2) The memorandum of understanding shall clearly set out,

- (a) the Corporation’s accountability to the Minister;
- (b) the Corporation’s reporting requirements to the Minister and to such other persons as are specified in the memorandum;
- (c) matters of government policy that the Corporation shall respect in the conduct of its affairs;
- (d) any other prescribed matter;
- (e) any other matter agreed to by the Corporation and the Minister.

(3) The Corporation shall comply with the memorandum of understanding in exercising its powers and duties under this Act.

Corporation to comply

9c.—(1) The Corporation shall submit to the Minister any plans that the Minister may from time to time require.

Submission of plans

(2) A plan submitted under subsection (1) shall be in the form and for the period required by the Minister.

Form and content of plans

9d.—(1) The Minister, with the approval of the Lieutenant Governor in Council, may by order appoint one or more persons to conduct an inquiry concerning any matter to which this Act applies that is specified in the order.

Commission of inquiry

(2) The persons appointed under subsection (1) have the powers of a commission under Part II of the *Public Inquiries Act*.

Powers of persons conducting inquiry
R.S.O. 1980, c. 411

(3) The persons appointed under subsection (1) shall report the results of the inquiry to the Minister.

Report

9. Section 12 of the said Act is amended by adding thereto the following subsection:

(2) Subsection (1) does not apply to the Pension and Insurance Fund of Ontario Hydro.

Exception

10. Subsection 15 (1) of the said Act is amended by adding thereto the following clause:

- (c) the net proceeds resulting from related business ventures carried on by any of the Corporation’s subsidiaries.

11. Subsection 19 (1) of the said Act is amended by adding thereto the following paragraph:

6. The prescribed securities, financial contract agreements and investments.

12.—(1) Subsection 20 (1) of the said Act is amended by striking out “regulations” in the sixth line and inserting in lieu thereof “rules”.

(2) Subsection 20 (3) of the said Act is amended by striking out “prescribed by the regulations” in the second and third lines and inserting in lieu thereof “provided for by the rules”.

(3) Clause 20 (5) (a) of the said Act is amended by striking out “regulations” in the fourth line and inserting in lieu thereof “rules”.

(4) Subsection 20 (7) of the said Act is repealed and the following substituted therefor:

Other pension plans (7) The Corporation may establish other pension plans in addition to the Ontario Hydro Pension and Insurance Plan.

Rules (7a) The Corporation may make rules with respect to its pension plans, including rules,

- (a) setting out the class or classes of employees who are eligible to be members of a plan, the time at which membership shall commence and the period of time thereafter within which an employee may elect not to be a member of a plan;
- (b) providing for the payment out of the fund of the contributions made by any employee to the fund or to either of the funds superseded by the fund where the employee elects not to be a member of a plan;
- (c) setting out the period of employment with the Corporation alone, or with a previous or subsequent employer and the Corporation, that constitutes service for the purpose of determining pension benefits;
- (d) providing for the transfer from or to the fund of a pension entitlement and setting out the terms and conditions upon which pension benefits under a plan in respect of employment with a previous employer may be provided by the transfer to the fund of such a pension entitlement;

- (e) setting out the persons who may receive benefits under a plan;
- (f) setting out the contributions to the fund by employees and the rate or rates at which interest shall be calculated when payments are made out of the fund of any such contributions and of any contributions to either of the funds superseded by the fund;
- (g) setting out the amount for which any employee or pensioner shall be insured from time to time;
- (h) setting out the payments to be made from the fund or by an insurer, upon,
 - (i) termination of employment,
 - (ii) retirement from employment on pension,
 - (iii) disability, or
 - (iv) death,and the terms and conditions upon which, and the person or persons to whom, such payments shall be made;
- (i) providing for payment out of the fund of the cost of any benefits provided under any agreement referred to in subsection (5);
- (j) setting out the intervals of time within which an actuarial valuation of the fund shall be made;
- (k) respecting any matter necessary or advisable to carry out effectively the intent and purposes of this section.

13. The said Act is further amended by adding thereto the following section:

21a.—(1) The Corporation, with the approval of the Lieutenant Governor in Council, may make regulations, Regulations

- (a) prescribing additional powers that may be delegated to the finance committee;
- (b) prescribing investments for the purposes of paragraph 6 of subsection 19 (1).

Idem

(2) The Lieutenant Governor in Council may make regulations prescribing other matters to be set out in a memorandum of understanding under section 9b.

Idem

(3) Notwithstanding anything to the contrary in the trade agreement entered into between the governments of Canada and the United States of America on the 2nd day of January, 1988 or any law of Canada implementing the agreement, the Lieutenant Governor in Council may by regulation,

- (a) authorize the Corporation to participate in one or more government programs relating to economic development and named in the regulation; and
- (b) prescribe the region or regions to which that authority extends, the manner in which that authority shall be exercised and the conditions to which that authority is subject.

14. Section 34 of the said Act is repealed and the following substituted therefor:

Compensation for damage

34.—(1) Where a power exercised under section 23 or 32 does not constitute an expropriation or injurious affection, compensation shall be paid to the owner for all damage to property resulting from the exercise of the power.

Application of
R.S.O. 1980,
c. 148

(2) The *Expropriations Act* applies with necessary modifications to the exercise of a power under subsection (1) as if it constituted injurious affection.

Limitation

(3) Where the lines or works of the Corporation are situated upon the King's Highway or any other highway, compensation for felling or removing trees or branches of trees is payable under subsection (1) only to the extent to which it is payable by a municipality under section 313 of the *Municipal Act*.

R.S.O. 1980,
c. 302

15. Subsection 35 (2) of the said Act is repealed and the following substituted therefor:

Effect of failure to give notice

(2) Where a claimant fails to give or gives insufficient notice of a claim within the period required by subsection (1), either the Corporation or the owner may request the board of negotiation under the *Expropriations Act* to attend and investigate the damage complained of.

R.S.O. 1980,
c. 148

Idem

(3) The board of negotiation may award such compensation as appears to it to be just if it is satisfied that,

- (a) there was reasonable excuse for the failure to give or the insufficiency of the notice; and
- (b) the Corporation was not thereby prejudiced.

(4) A finding of the board of negotiation under subsection (3) is final and binding upon the owner and the Corporation. Idem

16. The said Act is further amended by adding thereto the following section:

37a.—(1) The Corporation may purchase the residential premises owned and occupied by an employee or officer of the Corporation if employment by the Corporation obliges the employee or officer to reside in a new location. Homes of transferred employees

(2) The Corporation may sell or lease residential premises acquired under subsection (1). Idem

(3) Notwithstanding section 46, a residential premises purchased by the Corporation under this section is liable to assessment and taxation as if it were owned by any other person. Premises subject to municipal taxation

17. Subsection 40 (10) of the said Act is amended by striking out “or of the Divisional Court, such order is final” in the ninth line and inserting in lieu thereof “to be benefitted by such works or improvements”.

18. Section 42 of the said Act is repealed and the following substituted therefor:

42.—(1) In this section, “right” means any right, interest, way, privilege, permit or easement. Definition

(2) Notwithstanding any other Act, where any right has heretofore been or is hereafter acquired by the Corporation, in, through, over, under, along, upon, across or affecting any land, unless it is otherwise agreed, the land continues subject to the right for the term thereof and it is binding upon the owner at the time of acquisition and all subsequent owners of the land until expiration or release by the Corporation. Continuance of right

(3) Where a right mentioned in subsection (1) has heretofore been or is hereafter assigned by the Corporation to a municipal corporation or a commission established or deemed to be established under Part III of the *Public Utilities Act*, unless it is otherwise agreed, the land continues subject to the right for the term of the assignment and the right continues to Transfer of easements, etc., to commission
R.S.O. 1980, c. 423

bind all owners of the land until expiration or release by the municipal corporation or commission.

Information

(4) The Corporation, a municipal corporation or a commission mentioned in subsection (3), upon the request of a person intending to acquire an estate or interest in any land, shall make a search of its records and inform the person as to whether or not it has a right that relates to the land that is not registered under the *Land Titles Act* or the *Registry Act*.

R.S.O. 1980,
cc. 230, 445

Idem

(5) Where the Corporation, municipal corporation or commission informs the person that it has a right mentioned in subsection (4), it shall also inform the person as to the term and extent of the right.

Time

(6) The Corporation, municipal corporation or commission shall provide the information mentioned in subsections (4) and (5) not later than twenty-one days after the date on which it receives the request for the information.

Compensation

(7) A person who suffers loss or damage due to the failure of the Corporation, municipal corporation or commission to comply with subsections (4) to (6) is entitled to compensation for the loss or damage from the Corporation, municipal corporation or commission, as the case may be.

Application
of
R.S.O. 1980,
c. 148

(8) The *Expropriations Act* applies with necessary modifications to a claim for compensation under subsection (7) as if it constituted injurious affection and, for the purpose,

- (a) a reference to the statutory authority shall be deemed to be a reference to the Corporation, municipal corporation or the commission, as the case requires; and
- (b) a reference to the owner shall be deemed to be a reference to the person mentioned in subsection (4).

Application
of subss.(4-8)

(9) Subsections (4) to (8) do not apply where works of the Corporation, municipal corporation or commission are visible on the land that is subject to the right.

19. Subsection 44 (1) of the said Act is amended by striking out “not less than \$5 and not more than \$10” in the fifth and sixth lines and inserting in lieu thereof “not more than \$200”.

20.—(1) Subsections 51 (1) and (2) of the said Act are repealed and the following substituted therefor:

(1) In this section, “securities” means notes, discount notes, bonds, debentures and other securities. Definition

(1a) Subject to the approval of the Lieutenant Governor in Council, the Corporation may, General borrowing powers

- (a) borrow from time to time such sums of money as it may consider requisite for any of its purposes;
- (b) for the purpose of such borrowing, issue securities bearing no interest or bearing interest at such rate or rates as the Corporation may determine at the time of issue;
- (c) determine the time or times, the manner, the place or places in Canada or elsewhere and the currency of such country or countries in which the principal, interest if any and premium if any are payable; and
- (d) determine at the time of their issue the time or times, the price or prices and the manner, either with or without premium, that such securities are redeemable in advance of maturity.

(2) The Corporation, without any further approval of the Lieutenant Governor in Council, may from time to time authorize the issue of securities if, Idem

- (a) it has by resolution passed and approved under subsection (1a) authorized the borrowing of money by the issue from time to time of securities maturing not later than five years from the respective dates of issue and bearing interest, if any, at a rate or rates not exceeding the maximum rate of interest specified in the resolution;
- (b) the securities are within the maximum principal amount prescribed by the resolution;
- (c) the securities bear such respective dates of issue and mature not later than five years from those dates; and
- (d) the securities bear interest, if any, at such respective rates not exceeding the said maximum interest if any.

(2) Clause 51 (3) (b) of the said Act is amended by inserting after “notes” in the first line “discount notes”.

(3) Clause 51 (3) (d) of the said Act is amended by inserting after “notes” in the second line “discount notes”.

(4) Subsection 51 (5) of the said Act is amended by inserting after “notes” in the second line “discount notes”.

(5) Subsection 51 (7) of the said Act is amended by inserting after “notes” in the third line “discount notes”.

(6) Subsection 51 (8) of the said Act is amended by inserting after “notes” in the first line “discount notes”.

21.—(1) Subsection 53 (1) of the said Act is repealed and the following substituted therefor:

Guaranteeing
bonds of
Corporation

(1) The Lieutenant Governor in Council is authorized, on such terms as are approved by order in council, to guarantee the payment of the principal, interest and premium of any notes, discount notes, bonds, debentures or other securities issued by the Corporation.

Form and
manner

(1a) Any such guarantee shall be in the form and manner approved by the Lieutenant Governor in Council.

Signing

(1b) A guarantee shall be signed by the Treasurer of Ontario or the Deputy Treasurer of Ontario or such other officer or officers as are designated by the Lieutenant Governor in Council.

After
signature,
Province is
liable

(1c) After a guarantee is so signed, the Province of Ontario becomes liable for the payment of the principal, interest and premium of the notes, discount notes, bonds, debentures or other securities as provided in the guarantee.

Payment
authorized

(1d) The Lieutenant Governor in Council is authorized to make arrangements for supplying the money necessary to fulfil the requirements of a guarantee and to advance the money necessary for that purpose out of the Consolidated Revenue Fund.

Conclusive
evidence

(1e) Any guarantee signed in accordance with subsection (1b) is conclusive evidence of the guarantee.

(2) Subsection 53 (2) of the said Act is amended by inserting after “notes” in the ninth line and in the thirteenth line “discount notes”.

22. Subsection 55 (2) of the said Act is amended by inserting after “notes” in the second line “discount notes”.

23. Section 56 of the said Act is amended by adding thereto the following subsections:

(2) Clauses 23 (1) (c), (f), (o), (p) and (v) and sections 279, 280, 281 and 282 of the *Corporations Act* apply with necessary modifications to the Corporation in carrying out its purposes and business. Incidental powers
R.S.O. 1980,
c. 95

(3) Subject to the approval of the Lieutenant Governor in Council, the Corporation may exercise the powers set out in clauses 23 (1) (a), (b), (d), (e) and (h) of the *Corporations Act* in carrying out its purposes and business. Idem

24. Subsection 56a (3) of the said Act, as enacted by the Statutes of Ontario, 1981, chapter 16, section 3, is amended by adding thereto the following paragraphs:

5. The reduction of electrical energy use through more efficient use of electricity.
6. The shifting of electrical loads from times of high demand to times of lower demand.

25.—(1) Subsection 56b (1) of the said Act, as enacted by the Statutes of Ontario, 1981, chapter 16, section 3, is amended by inserting after “money” in the second line “and provide such incentives and technical assistance”.

(2) Subsection 56b (2) of the said Act, as enacted by the Statutes of Ontario, 1981, chapter 16, section 3, is amended by inserting after “loan” in the first line “or incentive or assistance”.

(3) Subsection 56b (3) of the said Act, as enacted by the Statutes of Ontario, 1981, chapter 16, section 3, is amended by inserting after “money” in the first line “or provide incentives or assistance”.

26. The said Act is further amended by adding thereto the following section:

56h.—(1) In this section, “parallel generation” means the generation of power from equipment that is neither owned nor operated by the Corporation and that is directly or indirectly connected to a power distribution or transmission system of the Corporation. Definition

(2) The purposes and business of the Corporation include the encouragement of parallel generation. Parallel generation

Loans, etc.,
for parallel
generation

(3) The Corporation may loan such money and provide such incentives and technical assistance as the Corporation determines appropriate for the encouragement of parallel generation.

Terms and
conditions

(4) A loan or incentive or assistance under this section may be made upon such terms and conditions, including terms and conditions in respect of certification of work, security, repayment, costs of recovery and interest, as the Corporation determines.

27. Subsection 57 (1) of the said Act is repealed and the following substituted therefor:

Corporation
may
purchase,
lease, sell
supplies

(1) The Corporation may purchase or lease such electrical, hydraulic or other machinery, appliances, apparatus and furnishings as may be used in the transmission, distribution, supply or use of power and may sell or dispose of any such thing that it owns.

28. The said Act is further amended by adding thereto the following section:

Definition

59a.—(1) In this section, “related business venture” means a business venture to assist the Corporation in carrying out its purposes, a business venture through which the Corporation can market its products or expertise or any other business venture related to the matters it is authorized to carry on under sections 23, 56, 56d, 56g and 57.

Related
business
ventures

(2) Subject to the approval of the Lieutenant Governor in Council, the Corporation may,

- (a) carry on related business ventures within and outside Ontario; and
- (b) for the purpose may acquire by purchase or otherwise shares or stock in a corporation or the securities of a corporation or may incorporate a corporation to carry on such ventures.

Restriction

(3) A corporation whose shares, stock or securities are acquired under subsection (2) or that is incorporated under subsection (2) shall not carry on an activity for which the Corporation is required to obtain the approval of the Lieutenant Governor in Council without obtaining the approval of the Lieutenant Governor in Council.

29.—(1) Section 62 of the said Act is amended by striking out “not in excess of 9 per cent per annum” in the fifth and sixth lines.

(2) The said section 62 is further amended by adding thereto the following subsection:

(2) The rate of interest under subsection (1) shall not exceed a rate equal to the average borrowing rate for funds borrowed in Canadian dollars by the Corporation for a term not exceeding one year in the quarter preceding the date the payment went into arrears. Rate of interest

30. Section 69 of the said Act is amended by adding thereto the following subsections:

(1a) The Corporation may exercise the discretion under subsection (1) in respect of a proposed contract for supplying power outside Canada only if, Restriction

(a) that supply of power is surplus to the reasonably foreseeable power requirements of Ontario and other customers in Canada; and

(b) the price to be charged for that supply of power will recover the appropriate share of the costs incurred in Ontario and be more than the price charged to customers in Canada for equivalent service.

(1b) The Board shall ensure that the requirements for power of Ontario customers and any requirements for power under contracts with other customers in Canada are met before meeting the requirements for power of any customer outside Canada. Idem

(1c) Subsections (1a) and (1b) apply notwithstanding anything to the contrary in the trade agreement entered into between the governments of Canada and the United States of America on the 2nd day of January, 1988 or any law of Canada implementing the agreement. Idem

31.—(1) Section 78 of the said Act is amended by striking out “interest at the rate of 4 per cent per year” in the seventh and eighth lines and inserting in lieu thereof “on an annual basis interest calculated under subsection (2)”.

(2) The said section 78 is further amended by adding thereto the following subsection:

Calculation
of interest

(2) Interest under subsection (1) shall be calculated by determining the average borrowing rate for funds borrowed in Canadian dollars by the Corporation for a term not exceeding one year in the quarter preceding the beginning of the year for which the interest is calculated.

32. Section 90 of the said Act is amended by adding thereto the following subsections:

Reasonable
security

(2) The Corporation may require any customer in the rural power district to give reasonable security for the payment of its rates and charges,

- (a) before supplying power to the customer;
- (b) as a condition of continuing such supply; or
- (c) before performing any work or providing any service for the purpose of such supply.

Power to
shut off
supply

(3) In default of payment, the Corporation may shut off the supply of power but the rates or charges in default are, nevertheless, recoverable.

33.—(1) Subsection 92 (1) of the said Act is amended by inserting after “which” in the eighth line “a committee of”.

(2) Section 92 of the said Act is amended by adding thereto the following subsection:

Committee

(1a) The committee shall consist of the chairperson and at least two other directors appointed by the chairperson.

(3) Subsection 92 (2) of the said Act is amended by striking out “Board” in the first line and inserting in lieu thereof “committee”.

(4) The said section 92 is further amended by adding thereto the following subsection:

Decision of
Board

(3) A decision of the committee shall be deemed to be a decision of the Board.

34.—(1) Subsection 93 (1) of the said Act is amended by adding thereto the following clauses:

- (e) adopting by reference, in whole or in part, with such changes as the Corporation with the approval of the Lieutenant Governor in Council considers necessary, any code or standard and requiring

compliance with any code or standard that is so adopted;

- (f) requiring compliance with any code or standard under a rule or by-law of a municipal corporation or commission.

(2) Subsection 93 (11) of the said Act is repealed and the following substituted therefor:

(11) Every municipal or other corporation or commission, Offences
and every company, firm or individual,

- (a) hindering, molesting, disturbing or interfering with an inspector or other employee in the performance of the inspector's or employee's duty under this section is guilty of an offence and on conviction is liable to a fine of not more than \$500 for each offence;
- (b) refusing or neglecting to comply with this section, or with any regulation, plan or specification made under its authority is guilty of an offence and on conviction is liable to a fine of not more than \$5,000 for each offence;
- (c) refusing or neglecting to comply with an order issued by the Corporation under subsection (5) is guilty of an offence and on conviction is liable to a fine of not more than \$5,000 and a further fine of not more than \$500 for each day upon which such refusal or neglect is repeated or continued.

35. Subsection 95 (2) of the said Act is amended by striking out "having a population of less than 200,000" in the fifth and sixth lines.

36. The said Act is further amended by striking out "chairman" wherever it appears and inserting in lieu thereof in each instance "chairperson" and by striking out "vice-chairman" wherever it appears and inserting in lieu thereof in each instance "vice-chairperson".

37. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor. Commence-
ment

38. The short title of this Act is the *Power Corporation Amendment Act, 1989*. Short title

Bill 204

An Act to amend the Power Corporation Act

The Hon. L. McLeod
Minister of Energy



<i>1st Reading</i>	January 23rd, 1989
<i>2nd Reading</i>	June 14th, 1989
<i>3rd Reading</i>	
<i>Royal Assent</i>	

*Continued from the 1st Session by an Order of the
Legislative Assembly of March 2nd, 1989.*

(Reprinted as amended by the Select Committee on Energy)

EXPLANATORY NOTES

SECTION 1. Housekeeping.

SECTION 2. The potential size of the Board is increased by four members. The president is designated as chief executive officer of the Corporation. Directors are no longer restricted to serving only three terms. The chairperson is required to carry out such duties as the Board may from time to time stipulate.

SECTION 3. It is provided that no more than six weeks should elapse between meetings of the Board.

SECTION 4. The Board is authorized to delegate additional responsibilities to the finance committee and to appoint other committees and delegate powers to them. The Board and its committees are authorized to act by written resolution or electronic means that permit simultaneous and instantaneous discussion.

SECTION 5. The requirement that the chairperson be full time is removed.

SECTION 6. The indemnity provisions of the Act are extended to accord with the provisions of the *Business Corporations Act, 1982*.

SECTION 7. The Corporation is required to make such further reports and information available to the Minister of Energy or to the Treasurer as these ministers may from time to time require.

SECTION 8. The Minister of Energy is empowered to issue policy statements approved by the Lieutenant Governor in Council on matters relating to the Corporation's exercise of its powers and duties. The Corporation is required to respect the policy statements in exercising a power or duty and the Board is required to use its best efforts to ensure that the exercise of a power or duty broadly conforms to any such policy statement.

The Corporation is required to enter into a memorandum of understanding with the Minister of Energy and to comply with that memorandum in exercising its powers and duties.

The Corporation is required to prepare and submit to the Minister of Energy plans in such form and for such periods as the Minister may call for.

The Minister of Energy, with the approval of the Lieutenant Governor in Council, is empowered to appoint persons to conduct an inquiry concerning any matter to which the Act applies.

SECTION 9. Section 12 of the Act now provides that all money in the hands of the Corporation form one fund known as the general fund. The amendment provides that the Pension and Insurance Fund of Ontario Hydro is not part of the general fund.

SECTION 10. The Corporation is authorized to place the net proceeds resulting from related business ventures carried on by a subsidiary of the Corporation to the credit of the stabilization of rates and contingencies reserve account.

SECTION 11. The list of securities in which the Corporation is enabled to make investments is expanded to include any securities, financial contract agreements and investments prescribed by the regulations.

SECTION 12. The Corporation is authorized to establish other pension plans in addition to the Ontario Hydro Pension and Insurance Plan. The Act now provides that the terms of the Plan be prescribed by a regulation made by the Corporation and approved by the Lieutenant Governor in Council. The amendment authorizes the Corporation to establish its own rules relating to the terms of its pension plans.

SECTION 13. The Lieutenant Governor in Council may make regulations authorizing the Corporation to participate in economic development programs in respect of specific regions of the Province. The section also provides regulation making authority in respect of powers delegated to the finance committee, approved investments for the general fund and matters to be set out in the memorandum of understanding.

SECTIONS 14 and 15. Section 34 of the Act now provides that compensation for damage that does not constitute an expropriation or injurious affection shall be determined by a board of valuation set up under that section. The amendments provide that compensation shall be determined directly by the board of negotiations under the *Expropriations Act*.

SECTION 16. The Corporation is authorized to purchase residential premises from relocated employees and required to pay municipal tax on such premises as if they were owned by any other person.

SECTION 17. Housekeeping.

SECTION 18. The present provisions relating to continuance of easements in respect of the Corporation are extended to municipal corporations. The Corporation or municipal corporation is required, upon request, to inform a person intending to acquire an interest in land as to whether it has an unregistered easement relating to that land.

SECTION 19. The maximum fine for nailing or attaching things to the Corporation's property is increased from \$10 to \$200.

SECTION 20. Section 51 is amended to enable the Corporation to issue discount securities.

SECTION 21. The section authorizes the Lieutenant Governor in Council, on such terms as are approved by order in council, to guarantee payments of premiums in addition to principal and interest on securities.

SECTION 22. Housekeeping.

SECTION 23. The Corporation is given ancillary powers held by companies to which the *Corporations Act* applies. Some of these powers are given subject to approval by the Lieutenant Governor in Council.

SECTION 24. The list of matters that an energy conservation program may include is expanded to include programs to reduce electricity use through increased efficiency and programs to shift electrical loads from times of high demand to times of lower demand.

SECTION 25. The Corporation is enabled to provide incentives and technical assistance to encourage electricity conservation and promote the efficient use of electricity and of the electrical system.

SECTION 26. The Corporation is enabled to provide incentives and technical assistance to assist parallel generation.

SECTION 27. The Corporation is enabled to lease machinery and apparatus.

SECTION 28. The Corporation, subject to the approval of the Lieutenant Governor in Council, is enabled to engage in related business ventures and for the purpose to incorporate subsidiaries and to become involved in business ventures within and beyond Ontario.

SECTION 29. The maximum rate of interest to be charged to a municipal corporation on any payment in arrears for the cost of power is changed from 9 per cent per year to the Corporation's average short term borrowing rate.

SECTION 30. The Corporation is allowed to supply power to customers outside Canada only if that supply is surplus to the reasonably foreseeable power requirements of Ontario customers and other customers in Canada. The price for supplying power to customers outside Canada is required to be enough to recover the appropriate share of costs and more than the price charged to customers in Canada for equivalent service.

The Board is required to ensure that the requirements for power of Ontario customers and other customers in Canada are met before meeting the requirements for power of customers outside Canada.

SECTION 31. The rate of interest to be credited to a municipal corporation for any surplus held by the Corporation is changed from 4 per cent per year to the Corporation's average short term borrowing rate.

SECTION 32. The Corporation is given authority consistent with that exercised by municipal utilities under the *Public Utilities Act* to require customers to give reasonable security for the payment of rates and charges and to shut off the supply of power in default of payment.

SECTION 33. The Board now hears complaints as to rates charged for power by any municipal corporation, company or person supplied by the Corporation. Under the amendment, the complaints would be heard by a committee of the Board consisting of the chairperson and at least two other members of the Board.

SECTION 34. The regulation making authority of the Corporation is amended by allowing the Corporation to adopt other codes by reference and to require compliance with any code or standard of a municipal corporation.

The maximum penalty for interfering with an electrical inspector is increased from \$50 to \$500.

The maximum penalty for non-compliance with safety regulations is increased from \$500 to \$5,000.

SECTION 35. Section 95 of the Act allows the Corporation to make orders fixing the rates of municipal corporations having a population of less than 200,000 for power supplied by the Corporation. This is made to apply to all municipal corporations.

SECTION 36. Housekeeping.

Bill 204**1989****An Act to amend the Power Corporation Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of the *Power Corporation Act*, being chapter 384 of the Revised Statutes of Ontario, 1980, as amended by the Statutes of Ontario, 1981, chapter 16, section 1, is repealed and the following substituted therefor:

1.—(1) In this Act, unless the contrary intention appears, Definitions

“Board” means the board of directors of the Corporation;

“buildings” includes all buildings, structures and works that the Corporation may deem necessary for the purposes of this Act;

“chairperson” means the chairperson of the Board;

“Corporation” means the body corporate referred to in section 2;

“director” means a member of the Board;

“energy conservation program” means an energy conservation program under section 56a;

“heat energy” means energy that is conveyed in the medium of steam, hot water or hot air and that is produced for sale;

“land” means real property and includes tenements, hereditaments and appurtenances, and any estate, term, easement, right or interest in, to, over, under or affecting land;

“Minister” means the Minister of Energy;

“municipal corporation” means the corporation of a locality the inhabitants of which are incorporated and includes the

corporation of a metropolitan, regional or district municipality and The Corporation of the County of Oxford;

“owner” includes a mortgagee, lessee, tenant, occupant and any other person entitled to a limited estate or interest in land and a guardian, committee, executor, administrator or trustee in whom land is vested;

“power” means electrical power and includes electrical energy;

“prescribed” means prescribed by the regulations made under this Act;

“president” means the president of the Corporation;

“supply” includes delivery, dealing in, and sale;

“Treasurer of Ontario” means the Treasurer of Ontario and Minister of Economics;

“works” includes all roads, plant, machinery, buildings, erections, constructions, installations, materials, devices, fittings, apparatus, appliances, equipment and other property for the development, generation, transformation, transmission, conveying, distribution, supply or use of power.

Powers,
duties to be
exercised
from time to
time

(2) If a power is conferred or a duty is imposed on the Corporation or the Board, the power may be exercised and the duty shall be performed from time to time as occasion requires.

2.—(1) Subsection 3 (1) of the said Act is repealed and the following substituted therefor:

Composition
of Board

(1) There shall be a board of directors of the Corporation consisting of a chairperson, a vice-chairperson, a president and not more than fourteen other directors.

(2) Section 3 of the said Act is amended by adding thereto the following subsection:

Idem

(2a) The chairperson shall carry out the duties that are assigned to the chairperson by the Board.

(3) Subsection 3 (3) of the said Act is amended by striking out “two” in the fourth line.

(4) Section 3 of the said Act is further amended by adding thereto the following subsection:

(5a) The president shall be the chief executive officer of the Corporation.

Chief executive officer

3. Subsection 4 (2) of the said Act is repealed and the following substituted therefor:

(2) Meetings of the Board shall be held at the call of the chairperson.

Meetings of Board

(2a) The chairperson shall call at least one meeting of the Board in each calendar month and shall not allow more than six weeks to elapse between meetings of the Board.

Frequency of meetings

4.—(1) Subsection 5 (2) of the said Act is repealed and the following substituted therefor:

(2) The Board may appoint a finance committee consisting of the chairperson, the vice-chairperson, the president and at least three other directors.

Finance committee

(2) Section 5 of the said Act is amended by adding thereto the following subsections:

(4) The Board may delegate its powers under clause 17 (c) and sections 19, 51 and 55 and any prescribed powers to the finance committee.

Delegation of powers

(5) The Board may appoint other committees and may delegate to other committees any of its powers other than those described in subsection (4).

Other committees

(6) The Board may impose any restrictions on a delegation under subsection (4) or (5).

Restrictions

(7) If all the directors present at or participating in the meeting consent, a meeting of directors or of a committee of directors may be held by means of such telephone, electronic or other communication facilities as permit all persons participating in the meeting to communicate with each other simultaneously and instantaneously, and a director participating in such a meeting by such means is deemed to be present at that meeting.

Meetings by telephone, etc.

(8) A resolution in writing, signed by all the directors entitled to vote on that resolution at a meeting of directors or a committee of directors, is as valid as if it had been passed at a meeting of directors or a committee of directors.

Resolutions in writing

Copy to be kept

(9) A copy of every resolution passed under subsection (1) shall be kept with the minutes of the proceedings of the directors or committee of directors.

5. Subsection 6 (1) of the said Act is repealed.

6. Subsection 7 (5) of the said Act is repealed and the following substituted therefor:

Indemnification of directors, etc. 1982, c. 4

(5) Section 136 of the *Business Corporations Act, 1982* applies with necessary modifications to the Corporation as if it were a corporation incorporated under that Act.

Idem

(5a) Section 136 of that Act applies in respect of employees, former employees and their heirs and legal representatives in the same manner that it applies in respect of officers, former officers and their heirs and legal representatives.

7. Section 9 of the said Act is amended by adding thereto the following subsection:

Other reports

(2) The Corporation shall make such further reports and provide such further information to the Minister or the Treasurer of Ontario as required from time to time.

8. The said Act is amended by adding thereto the following sections:

Policy statements

9a.—(1) The Minister may from time to time issue policy statements that have been approved by the Lieutenant Governor in Council on matters relating to the Corporation's exercise of its powers and duties under this Act.

Corporation to respect policy statements

(2) In exercising a power or duty under this Act, the Corporation shall respect any policy statement that relates to its exercise.

Board to ensure exercise conforms to statement

(3) In exercising a power or duty under this Act, the Board shall use its best efforts to ensure that such exercise broadly conforms to any policy statement that relates to its exercise, and shall report to the Minister whenever it does exercise a power or duty that relates to a policy statement.

Memorandum of understanding

9b.—(1) Within six months after the coming into force of this section and at least once in every three years thereafter, the Corporation and the Minister shall enter into a memorandum of understanding.

Contents of memorandum

(2) The memorandum of understanding shall clearly set out,

- (a) the Corporation’s accountability to the Minister;
- (b) the Corporation’s reporting requirements to the Minister and to such other persons as are specified in the memorandum;
- (c) matters of government policy that the Corporation shall respect in the conduct of its affairs;
- (d) any other prescribed matter;
- (e) any other matter agreed to by the Corporation and the Minister.

(3) The Corporation shall comply with the memorandum of understanding in exercising its powers and duties under this Act.

Corporation to comply

9c.—(1) The Corporation shall submit to the Minister any plans that the Minister may from time to time require.

Submission of plans

(2) A plan submitted under subsection (1) shall be in the form and for the period required by the Minister.

Form and content of plans

9d.—(1) The Minister, with the approval of the Lieutenant Governor in Council, may by order appoint one or more persons to conduct an inquiry concerning any matter to which this Act applies that is specified in the order.

Commission of inquiry

(2) The persons appointed under subsection (1) have the powers of a commission under Part II of the *Public Inquiries Act*.

Powers of persons conducting inquiry
R.S.O. 1980, c. 411

(3) The persons appointed under subsection (1) shall report the results of the inquiry to the Minister.

Report

9. Section 12 of the said Act is amended by adding thereto the following subsection:

(2) Subsection (1) does not apply to the Pension and Insurance Fund of Ontario Hydro.

Exception

10. Subsection 15 (1) of the said Act is amended by adding thereto the following clause:

- (c) the net proceeds resulting from related business ventures carried on by any of the Corporation’s subsidiaries.

11. Subsection 19 (1) of the said Act is amended by adding thereto the following paragraph:

6. The prescribed securities, financial contract agreements and investments.

12.—(1) Subsection 20 (1) of the said Act is amended by striking out “regulations” in the sixth line and inserting in lieu thereof “rules”.

(2) Subsection 20 (3) of the said Act is amended by striking out “prescribed by the regulations” in the second and third lines and inserting in lieu thereof “provided for by the rules”.

(3) Clause 20 (5) (a) of the said Act is amended by striking out “regulations” in the fourth line and inserting in lieu thereof “rules”.

(4) Subsection 20 (7) of the said Act is repealed and the following substituted therefor:

Other
pension plans

(7) The Corporation may establish other pension plans in addition to the Ontario Hydro Pension and Insurance Plan.

Rules

(7a) The Corporation may make rules with respect to its pension plans, including rules,

- (a) setting out the class or classes of employees who are eligible to be members of a plan, the time at which membership shall commence and the period of time thereafter within which an employee may elect not to be a member of a plan;
- (b) providing for the payment out of the fund of the contributions made by any employee to the fund or to either of the funds superseded by the fund where the employee elects not to be a member of a plan;
- (c) setting out the period of employment with the Corporation alone, or with a previous or subsequent employer and the Corporation, that constitutes service for the purpose of determining pension benefits;
- (d) providing for the transfer from or to the fund of a pension entitlement and setting out the terms and conditions upon which pension benefits under a plan in respect of employment with a previous employer may be provided by the transfer to the fund of such a pension entitlement;

- (e) setting out the persons who may receive benefits under a plan;
- (f) setting out the contributions to the fund by employees and the rate or rates at which interest shall be calculated when payments are made out of the fund of any such contributions and of any contributions to either of the funds superseded by the fund;
- (g) setting out the amount for which any employee or pensioner shall be insured from time to time;
- (h) setting out the payments to be made from the fund or by an insurer, upon,
 - (i) termination of employment,
 - (ii) retirement from employment on pension,
 - (iii) disability, or
 - (iv) death,and the terms and conditions upon which, and the person or persons to whom, such payments shall be made;
- (i) providing for payment out of the fund of the cost of any benefits provided under any agreement referred to in subsection (5);
- (j) setting out the intervals of time within which an actuarial valuation of the fund shall be made;
- (k) respecting any matter necessary or advisable to carry out effectively the intent and purposes of this section.

13. The said Act is further amended by adding thereto the following section:

21a.—(1) The Corporation, with the approval of the Regulations
Lieutenant Governor in Council, may make regulations,

- (a) prescribing additional powers that may be delegated to the finance committee;
- (b) prescribing investments for the purposes of paragraph 6 of subsection 19 (1).

Idem

(2) The Lieutenant Governor in Council may make regulations prescribing other matters to be set out in a memorandum of understanding under section 9b.

Idem

(3) Notwithstanding anything to the contrary in the trade agreement entered into between the governments of Canada and the United States of America on the 2nd day of January, 1988 or any law of Canada implementing the agreement, the Lieutenant Governor in Council may by regulation,

- (a) authorize the Corporation to participate in one or more government programs relating to economic development and named in the regulation; and
- (b) prescribe the region or regions to which that authority extends, the manner in which that authority shall be exercised and the conditions to which that authority is subject.

14. Section 34 of the said Act is repealed and the following substituted therefor:

Compensation for damage

34.—(1) Where a power exercised under section 23 or 32 does not constitute an expropriation or injurious affection, compensation shall be paid to the owner for all damage to property resulting from the exercise of the power.

Application of
R.S.O. 1980,
c. 148

(2) The *Expropriations Act* applies with necessary modifications to the exercise of a power under subsection (1) as if it constituted injurious affection.

Limitation

(3) Where the lines or works of the Corporation are situate upon the King's Highway or any other highway, compensation for felling or removing trees or branches of trees is payable under subsection (1) only to the extent to which it is payable by a municipality under section 313 of the *Municipal Act*.

R.S.O. 1980,
c. 302

15. Subsection 35 (2) of the said Act is repealed and the following substituted therefor:

Effect of failure to give notice

(2) Where a claimant fails to give or gives insufficient notice of a claim within the period required by subsection (1), either the Corporation or the owner may request the board of negotiation under the *Expropriations Act* to attend and investigate the damage complained of.

R.S.O. 1980,
c. 148

Idem

(3) The board of negotiation may award such compensation as appears to it to be just if it is satisfied that,

- (a) there was reasonable excuse for the failure to give or the insufficiency of the notice; and
- (b) the Corporation was not thereby prejudiced.

(4) A finding of the board of negotiation under subsection (3) is final and binding upon the owner and the Corporation. Idem

16. The said Act is further amended by adding thereto the following section:

37a.—(1) The Corporation may purchase the residential premises owned and occupied by an employee or officer of the Corporation if employment by the Corporation obliges the employee or officer to reside in a new location. Homes of transferred employees

(2) The Corporation may sell or lease residential premises acquired under subsection (1). Idem

(3) Notwithstanding section 46, a residential premises purchased by the Corporation under this section is liable to assessment and taxation as if it were owned by any other person. Premises subject to municipal taxation

17. Subsection 40 (10) of the said Act is amended by striking out “or of the Divisional Court, such order is final” in the ninth line and inserting in lieu thereof “to be benefitted by such works or improvements”.

18. Section 42 of the said Act is repealed and the following substituted therefor:

42.—(1) In this section, “right” means any right, interest, way, privilege, permit or easement. Definition

(2) Notwithstanding any other Act, where any right has heretofore been or is hereafter acquired by the Corporation, in, through, over, under, along, upon, across or affecting any land, unless it is otherwise agreed, the land continues subject to the right for the term thereof and it is binding upon the owner at the time of acquisition and all subsequent owners of the land until expiration or release by the Corporation. Continuance of right

(3) Where a right mentioned in subsection (1) has heretofore been or is hereafter assigned by the Corporation to a municipal corporation or a commission established or deemed to be established under Part III of the *Public Utilities Act*, unless it is otherwise agreed, the land continues subject to the right for the term of the assignment and the right continues to Transfer of easements, etc., to commission
R.S.O. 1980, c. 423

bind all owners of the land until expiration or release by the municipal corporation or commission.

Information

(4) The Corporation, a municipal corporation or a commission mentioned in subsection (3), upon the request of a person intending to acquire an estate or interest in any land, shall make a search of its records and inform the person as to whether or not it has a right that relates to the land that is not registered under the *Land Titles Act* or the *Registry Act*.

R.S.O. 1980,
cc. 230, 445

Idem

(5) Where the Corporation, municipal corporation or commission informs the person that it has a right mentioned in subsection (4), it shall also inform the person as to the term and extent of the right.

Time

(6) The Corporation, municipal corporation or commission shall provide the information mentioned in subsections (4) and (5) not later than twenty-one days after the date on which it receives the request for the information.

Compensation

(7) A person who suffers loss or damage due to the failure of the Corporation, municipal corporation or commission to comply with subsections (4) to (6) is entitled to compensation for the loss or damage from the Corporation, municipal corporation or commission, as the case may be.

Application
of
R.S.O. 1980,
c. 148

(8) The *Expropriations Act* applies with necessary modifications to a claim for compensation under subsection (7) as if it constituted injurious affection and, for the purpose,

- (a) a reference to the statutory authority shall be deemed to be a reference to the Corporation, municipal corporation or the commission, as the case requires; and
- (b) a reference to the owner shall be deemed to be a reference to the person mentioned in subsection (4).

Application
of subss.(4-8)

(9) Subsections (4) to (8) do not apply where works of the Corporation, municipal corporation or commission are visible on the land that is subject to the right.

19. Subsection 44 (1) of the said Act is amended by striking out “not less than \$5 and not more than \$10” in the fifth and sixth lines and inserting in lieu thereof “not more than \$200”.

20.—(1) Subsections 51 (1) and (2) of the said Act are repealed and the following substituted therefor:

(1) In this section, “securities” means notes, discount notes, bonds, debentures and other securities. Definition

(1a) Subject to the approval of the Lieutenant Governor in Council, the Corporation may, General borrowing powers

- (a) borrow from time to time such sums of money as it may consider requisite for any of its purposes;
- (b) for the purpose of such borrowing, issue securities bearing no interest or bearing interest at such rate or rates as the Corporation may determine at the time of issue;
- (c) determine the time or times, the manner, the place or places in Canada or elsewhere and the currency of such country or countries in which the principal, interest if any and premium if any are payable; and
- (d) determine at the time of their issue the time or times, the price or prices and the manner, either with or without premium, that such securities are redeemable in advance of maturity.

(2) The Corporation, without any further approval of the Lieutenant Governor in Council, may from time to time authorize the issue of securities if, Idem

- (a) it has by resolution passed and approved under subsection (1a) authorized the borrowing of money by the issue from time to time of securities maturing not later than five years from the respective dates of issue and bearing interest, if any, at a rate or rates not exceeding the maximum rate of interest specified in the resolution;
- (b) the securities are within the maximum principal amount prescribed by the resolution;
- (c) the securities bear such respective dates of issue and mature not later than five years from those dates; and
- (d) the securities bear interest, if any, at such respective rates not exceeding the said maximum interest if any.

(2) Clause 51 (3) (b) of the said Act is amended by inserting after “notes” in the first line “discount notes”.

(3) Clause 51 (3) (d) of the said Act is amended by inserting after “notes” in the second line “discount notes”.

(4) Subsection 51 (5) of the said Act is amended by inserting after “notes” in the second line “discount notes”.

(5) Subsection 51 (7) of the said Act is amended by inserting after “notes” in the third line “discount notes”.

(6) Subsection 51 (8) of the said Act is amended by inserting after “notes” in the first line “discount notes”.

21.—(1) Subsection 53 (1) of the said Act is repealed and the following substituted therefor:

Guaranteeing
bonds of
Corporation

(1) The Lieutenant Governor in Council is authorized, on such terms as are approved by order in council, to guarantee the payment of the principal, interest and premium of any notes, discount notes, bonds, debentures or other securities issued by the Corporation.

Form and
manner

(1a) Any such guarantee shall be in the form and manner approved by the Lieutenant Governor in Council.

Signing

(1b) A guarantee shall be signed by the Treasurer of Ontario or the Deputy Treasurer of Ontario or such other officer or officers as are designated by the Lieutenant Governor in Council.

After
signature,
Province is
liable

(1c) After a guarantee is so signed, the Province of Ontario becomes liable for the payment of the principal, interest and premium of the notes, discount notes, bonds, debentures or other securities as provided in the guarantee.

Payment
authorized

(1d) The Lieutenant Governor in Council is authorized to make arrangements for supplying the money necessary to fulfil the requirements of a guarantee and to advance the money necessary for that purpose out of the Consolidated Revenue Fund.

Conclusive
evidence

(1e) Any guarantee signed in accordance with subsection (1b) is conclusive evidence of the guarantee.

(2) Subsection 53 (2) of the said Act is amended by inserting after “notes” in the ninth line and in the thirteenth line “discount notes”.

22. Subsection 55 (2) of the said Act is amended by inserting after “notes” in the second line “discount notes”.

23. Section 56 of the said Act is amended by adding thereto the following subsections:

(2) Clauses 23 (1) (c), (f), (o), (p) and (v) and sections 279, 280, 281 and 282 of the *Corporations Act* apply with necessary modifications to the Corporation in carrying out its purposes and business.

Incidental
powers
R.S.O. 1980,
c. 95

(3) Subject to the approval of the Lieutenant Governor in Council, the Corporation may exercise the powers set out in clauses 23 (1) (a), (b), (d), (e) and (h) of the *Corporations Act* in carrying out its purposes and business.

Idem

24. Subsection 56a (3) of the said Act, as enacted by the Statutes of Ontario, 1981, chapter 16, section 3, is amended by adding thereto the following paragraphs:

5. The reduction of electrical energy use through more efficient use of electricity.
6. The shifting of electrical loads from times of high demand to times of lower demand.

25.—(1) Subsection 56b (1) of the said Act, as enacted by the Statutes of Ontario, 1981, chapter 16, section 3, is amended by inserting after “money” in the second line “and provide such incentives and technical assistance”.

(2) Subsection 56b (2) of the said Act, as enacted by the Statutes of Ontario, 1981, chapter 16, section 3, is amended by inserting after “loan” in the first line “or incentive or assistance”.

(3) Subsection 56b (3) of the said Act, as enacted by the Statutes of Ontario, 1981, chapter 16, section 3, is amended by inserting after “money” in the first line “or provide incentives or assistance”.

26. The said Act is further amended by adding thereto the following section:

56h.—(1) In this section, “parallel generation” means the generation of power from equipment that is neither owned nor operated by the Corporation and that is directly or indirectly connected to a power distribution or transmission system of the Corporation.

Definition

(2) The purposes and business of the Corporation include the encouragement of parallel generation.

Parallel
generation

Loans, etc.,
for parallel
generation

(3) The Corporation may loan such money and provide such incentives and technical assistance as the Corporation determines appropriate for the encouragement of parallel generation.

Terms and
conditions

(4) A loan or incentive or assistance under this section may be made upon such terms and conditions, including terms and conditions in respect of certification of work, security, repayment, costs of recovery and interest, as the Corporation determines.

27. Subsection 57 (1) of the said Act is repealed and the following substituted therefor:

Corporation
may
purchase,
lease, sell
supplies

(1) The Corporation may purchase or lease such electrical, hydraulic or other machinery, appliances, apparatus and furnishings as may be used in the transmission, distribution, supply or use of power and may sell or dispose of any such thing that it owns.

28. The said Act is further amended by adding thereto the following section:

Definition

59a.—(1) In this section, “related business venture” means a business venture to assist the Corporation in carrying out its purposes, a business venture through which the Corporation can market its products or expertise or any other business venture related to the matters it is authorized to carry on under sections 23, 56, 56d, 56g and 57.

Related
business
ventures

(2) Subject to the approval of the Lieutenant Governor in Council, the Corporation may,

- (a) carry on related business ventures within and outside Ontario; and
- (b) for the purpose may acquire by purchase or otherwise shares or stock in a corporation or the securities of a corporation or may incorporate a corporation to carry on such ventures.

Restriction

(3) A corporation whose shares, stock or securities are acquired under subsection (2) or that is incorporated under subsection (2) shall not carry on an activity for which the Corporation is required to obtain the approval of the Lieutenant Governor in Council without obtaining the approval of the Lieutenant Governor in Council.

29.—(1) Section 62 of the said Act is amended by striking out “not in excess of 9 per cent per annum” in the fifth and sixth lines.

(2) The said section 62 is further amended by adding thereto the following subsection:

(2) The rate of interest under subsection (1) shall not exceed a rate equal to the average borrowing rate for funds borrowed in Canadian dollars by the Corporation for a term not exceeding one year in the quarter preceding the date the payment went into arrears. Rate of interest

30. Section 69 of the said Act is amended by adding thereto the following subsections:

(1a) The Corporation may exercise the discretion under subsection (1) in respect of a proposed contract for supplying power outside Canada only if, Restriction

- (a) that supply of power is surplus to the reasonably foreseeable power requirements of Ontario and other customers in Canada; and
- (b) the price to be charged for that supply of power will recover the appropriate share of the costs incurred in Ontario and be more than the price charged to customers in Canada for equivalent service.

(1b) The Board shall ensure that the requirements for power of Ontario customers and any requirements for power under contracts with other customers in Canada are met before meeting the requirements for power of any customer outside Canada. Idem

(1c) Subsections (1a) and (1b) apply notwithstanding anything to the contrary in the trade agreement entered into between the governments of Canada and the United States of America on the 2nd day of January, 1988 or any law of Canada implementing the agreement. Idem

31.—(1) Section 78 of the said Act is amended by striking out “interest at the rate of 4 per cent per year” in the seventh and eighth lines and inserting in lieu thereof “on an annual basis interest calculated under subsection (2)”.

(2) The said section 78 is further amended by adding thereto the following subsection:

Calculation
of interest

(2) Interest under subsection (1) shall be calculated by determining the average borrowing rate for funds borrowed in Canadian dollars by the Corporation for a term not exceeding one year in the quarter preceding the beginning of the year for which the interest is calculated.

32. Section 90 of the said Act is amended by adding thereto the following subsections:

Reasonable
security

(2) The Corporation may require any customer in the rural power district to give reasonable security for the payment of its rates and charges,

- (a) before supplying power to the customer;
- (b) as a condition of continuing such supply; or
- (c) before performing any work or providing any service for the purpose of such supply.

Power to
shut off
supply

(3) In default of payment, the Corporation may shut off the supply of power but the rates or charges in default are, nevertheless, recoverable.

33.—(1) Subsection 92 (1) of the said Act is amended by inserting after “which” in the eighth line “a committee of”.

(2) Section 92 of the said Act is amended by adding thereto the following subsection:

Committee

(1a) The committee shall consist of the chairperson and at least two other directors appointed by the chairperson.

(3) Subsection 92 (2) of the said Act is amended by striking out “Board” in the first line and inserting in lieu thereof “committee”.

(4) The said section 92 is further amended by adding thereto the following subsection:

Decision of
Board

(3) A decision of the committee shall be deemed to be a decision of the Board.

34.—(1) Subsection 93 (1) of the said Act is amended by adding thereto the following clauses:

- (e) adopting by reference, in whole or in part, with such changes as the Corporation with the approval of the Lieutenant Governor in Council considers necessary, any code or standard and requiring

compliance with any code or standard that is so adopted;

- (f) requiring compliance with any code or standard under a rule or by-law of a municipal corporation or commission or under a rule of a person supplying power to such works.

(2) Subsection 93 (11) of the said Act is repealed and the following substituted therefor:

(11) Every municipal or other corporation or commission, Offences
and every company, firm or individual,

- (a) hindering, molesting, disturbing or interfering with an inspector or other employee in the performance of the inspector's or employee's duty under this section is guilty of an offence and on conviction is liable to a fine of not more than \$500 for each offence;
- (b) refusing or neglecting to comply with this section, or with any regulation, plan or specification made under its authority is guilty of an offence and on conviction is liable to a fine of not more than \$5,000 for each offence;
- (c) refusing or neglecting to comply with an order issued by the Corporation under subsection (5) is guilty of an offence and on conviction is liable to a fine of not more than \$5,000 and a further fine of not more than \$500 for each day upon which such refusal or neglect is repeated or continued.

35. Subsection 95 (2) of the said Act is amended by striking out "having a population of less than 200,000" in the fifth and sixth lines.

36. The said Act is further amended by striking out "chairman" wherever it appears and inserting in lieu thereof in each instance "chairperson" and by striking out "vice-chairman" wherever it appears and inserting in lieu thereof in each instance "vice-chairperson".

37. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor. Commence-
ment

38. The short title of this Act is the *Power Corporation Amendment Act, 1989.* Short title

2ND SESSION, 34TH LEGISLATURE, ONTARIO38 ELIZABETH II, 1989

Bill 204

(Chapter 53
Statutes of Ontario, 1989)

An Act to amend the Power Corporation Act

The Hon. L. McLeod
Minister of Energy



<i>1st Reading</i>	January 23rd, 1989
<i>2nd Reading</i>	June 14th, 1989
<i>3rd Reading</i>	October 16th, 1989
<i>Royal Assent</i>	October 16th, 1989

*Continued from the 1st Session by an Order of the
Legislative Assembly of March 2nd, 1989.*

Bill 204**1989****An Act to amend the Power Corporation Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of the *Power Corporation Act*, being chapter 384 of the Revised Statutes of Ontario, 1980, as amended by the Statutes of Ontario, 1981, chapter 16, section 1, is repealed and the following substituted therefor:

1.—(1) In this Act, unless the contrary intention appears, Definitions

“Board” means the board of directors of the Corporation;

“buildings” includes all buildings, structures and works that the Corporation may deem necessary for the purposes of this Act;

“chairperson” means the chairperson of the Board;

“Corporation” means the body corporate referred to in section 2;

“director” means a member of the Board;

“energy conservation program” means an energy conservation program under section 56a;

“heat energy” means energy that is conveyed in the medium of steam, hot water or hot air and that is produced for sale;

“land” means real property and includes tenements, hereditaments and appurtenances, and any estate, term, easement, right or interest in, to, over, under or affecting land;

“Minister” means the Minister of Energy;

“municipal corporation” means the corporation of a locality the inhabitants of which are incorporated and includes the

corporation of a metropolitan, regional or district municipality and The Corporation of the County of Oxford;

“owner” includes a mortgagee, lessee, tenant, occupant and any other person entitled to a limited estate or interest in land and a guardian, committee, executor, administrator or trustee in whom land is vested;

“power” means electrical power and includes electrical energy;

“prescribed” means prescribed by the regulations made under this Act;

“president” means the president of the Corporation;

“supply” includes delivery, dealing in, and sale;

“Treasurer of Ontario” means the Treasurer of Ontario and Minister of Economics;

“works” includes all roads, plant, machinery, buildings, erections, constructions, installations, materials, devices, fittings, apparatus, appliances, equipment and other property for the development, generation, transformation, transmission, conveying, distribution, supply or use of power.

Powers,
duties to be
exercised
from time to
time

(2) If a power is conferred or a duty is imposed on the Corporation or the Board, the power may be exercised and the duty shall be performed from time to time as occasion requires.

2.—(1) Subsection 3 (1) of the said Act is repealed and the following substituted therefor:

Composition
of Board

(1) There shall be a board of directors of the Corporation consisting of a chairperson, a vice-chairperson, a president and not more than fourteen other directors.

(2) Section 3 of the said Act is amended by adding thereto the following subsection:

Idem

(2a) The chairperson shall carry out the duties that are assigned to the chairperson by the Board.

(3) Subsection 3 (3) of the said Act is amended by striking out “two” in the fourth line.

(4) Section 3 of the said Act is further amended by adding thereto the following subsection:

(5a) The president shall be the chief executive officer of the Corporation.

Chief
executive
officer

3. Subsection 4 (2) of the said Act is repealed and the following substituted therefor:

(2) Meetings of the Board shall be held at the call of the chairperson.

Meetings of
Board

(2a) The chairperson shall call at least one meeting of the Board in each calendar month and shall not allow more than six weeks to elapse between meetings of the Board.

Frequency of
meetings

4.—(1) Subsection 5 (2) of the said Act is repealed and the following substituted therefor:

(2) The Board may appoint a finance committee consisting of the chairperson, the vice-chairperson, the president and at least three other directors.

Finance
committee

(2) Section 5 of the said Act is amended by adding thereto the following subsections:

(4) The Board may delegate its powers under clause 17 (c) and sections 19, 51 and 55 and any prescribed powers to the finance committee.

Delegation of
powers

(5) The Board may appoint other committees and may delegate to other committees any of its powers other than those described in subsection (4).

Other
committees

(6) The Board may impose any restrictions on a delegation under subsection (4) or (5).

Restrictions

(7) If all the directors present at or participating in the meeting consent, a meeting of directors or of a committee of directors may be held by means of such telephone, electronic or other communication facilities as permit all persons participating in the meeting to communicate with each other simultaneously and instantaneously, and a director participating in such a meeting by such means is deemed to be present at that meeting.

Meetings by
telephone,
etc.

(8) A resolution in writing, signed by all the directors entitled to vote on that resolution at a meeting of directors or a committee of directors, is as valid as if it had been passed at a meeting of directors or a committee of directors.

Resolutions
in writing

Copy to be kept

(9) A copy of every resolution passed under subsection (1) shall be kept with the minutes of the proceedings of the directors or committee of directors.

5. Subsection 6 (1) of the said Act is repealed.

6. Subsection 7 (5) of the said Act is repealed and the following substituted therefor:

Indemnification of directors, etc. 1982, c. 4

(5) Section 136 of the *Business Corporations Act*, 1982 applies with necessary modifications to the Corporation as if it were a corporation incorporated under that Act.

Idem

(5a) Section 136 of that Act applies in respect of employees, former employees and their heirs and legal representatives in the same manner that it applies in respect of officers, former officers and their heirs and legal representatives.

7. Section 9 of the said Act is amended by adding thereto the following subsection:

Other reports

(2) The Corporation shall make such further reports and provide such further information to the Minister or the Treasurer of Ontario as required from time to time.

8. The said Act is amended by adding thereto the following sections:

Policy statements

9a.—(1) The Minister may from time to time issue policy statements that have been approved by the Lieutenant Governor in Council on matters relating to the Corporation's exercise of its powers and duties under this Act.

Corporation to respect policy statements

(2) In exercising a power or duty under this Act, the Corporation shall respect any policy statement that relates to its exercise.

Board to ensure exercise conforms to statement

(3) In exercising a power or duty under this Act, the Board shall use its best efforts to ensure that such exercise broadly conforms to any policy statement that relates to its exercise, and shall report to the Minister whenever it does exercise a power or duty that relates to a policy statement.

Memorandum of understanding

9b.—(1) Within six months after the coming into force of this section and at least once in every three years thereafter, the Corporation and the Minister shall enter into a memorandum of understanding.

Contents of memorandum

(2) The memorandum of understanding shall clearly set out,

- (a) the Corporation's accountability to the Minister;
- (b) the Corporation's reporting requirements to the Minister and to such other persons as are specified in the memorandum;
- (c) matters of government policy that the Corporation shall respect in the conduct of its affairs;
- (d) any other prescribed matter;
- (e) any other matter agreed to by the Corporation and the Minister.

(3) The Corporation shall comply with the memorandum of understanding in exercising its powers and duties under this Act. Corporation to comply

9c.—(1) The Corporation shall submit to the Minister any plans that the Minister may from time to time require. Submission of plans

(2) A plan submitted under subsection (1) shall be in the form and for the period required by the Minister. Form and content of plans

9d.—(1) The Minister, with the approval of the Lieutenant Governor in Council, may by order appoint one or more persons to conduct an inquiry concerning any matter to which this Act applies that is specified in the order. Commission of inquiry

(2) The persons appointed under subsection (1) have the powers of a commission under Part II of the *Public Inquiries Act*. Powers of persons conducting inquiry
R.S.O. 1980, c. 411

(3) The persons appointed under subsection (1) shall report the results of the inquiry to the Minister. Report

9. Section 12 of the said Act is amended by adding thereto the following subsection:

(2) Subsection (1) does not apply to the Pension and Insurance Fund of Ontario Hydro. Exception

10. Subsection 15 (1) of the said Act is amended by adding thereto the following clause:

- (c) the net proceeds resulting from related business ventures carried on by any of the Corporation's subsidiaries.

11. Subsection 19 (1) of the said Act is amended by adding thereto the following paragraph:

6. The prescribed securities, financial contract agreements and investments.

12.—(1) Subsection 20 (1) of the said Act is amended by striking out “regulations” in the sixth line and inserting in lieu thereof “rules”.

(2) Subsection 20 (3) of the said Act is amended by striking out “prescribed by the regulations” in the second and third lines and inserting in lieu thereof “provided for by the rules”.

(3) Clause 20 (5) (a) of the said Act is amended by striking out “regulations” in the fourth line and inserting in lieu thereof “rules”.

(4) Subsection 20 (7) of the said Act is repealed and the following substituted therefor:

Other
pension plans

(7) The Corporation may establish other pension plans in addition to the Ontario Hydro Pension and Insurance Plan.

Rules

(7a) The Corporation may make rules with respect to its pension plans, including rules,

- (a) setting out the class or classes of employees who are eligible to be members of a plan, the time at which membership shall commence and the period of time thereafter within which an employee may elect not to be a member of a plan;
- (b) providing for the payment out of the fund of the contributions made by any employee to the fund or to either of the funds superseded by the fund where the employee elects not to be a member of a plan;
- (c) setting out the period of employment with the Corporation alone, or with a previous or subsequent employer and the Corporation, that constitutes service for the purpose of determining pension benefits;
- (d) providing for the transfer from or to the fund of a pension entitlement and setting out the terms and conditions upon which pension benefits under a plan in respect of employment with a previous employer may be provided by the transfer to the fund of such a pension entitlement;

- (e) setting out the persons who may receive benefits under a plan;
- (f) setting out the contributions to the fund by employees and the rate or rates at which interest shall be calculated when payments are made out of the fund of any such contributions and of any contributions to either of the funds superseded by the fund;
- (g) setting out the amount for which any employee or pensioner shall be insured from time to time;
- (h) setting out the payments to be made from the fund or by an insurer, upon,
 - (i) termination of employment,
 - (ii) retirement from employment on pension,
 - (iii) disability, or
 - (iv) death,and the terms and conditions upon which, and the person or persons to whom, such payments shall be made;
- (i) providing for payment out of the fund of the cost of any benefits provided under any agreement referred to in subsection (5);
- (j) setting out the intervals of time within which an actuarial valuation of the fund shall be made;
- (k) respecting any matter necessary or advisable to carry out effectively the intent and purposes of this section.

13. The said Act is further amended by adding thereto the following section:

21a.—(1) The Corporation, with the approval of the Lieutenant Governor in Council, may make regulations, Regulations

- (a) prescribing additional powers that may be delegated to the finance committee;
- (b) prescribing investments for the purposes of paragraph 6 of subsection 19 (1).

Idem

(2) The Lieutenant Governor in Council may make regulations prescribing other matters to be set out in a memorandum of understanding under section 9b.

Idem

(3) Notwithstanding anything to the contrary in the trade agreement entered into between the governments of Canada and the United States of America on the 2nd day of January, 1988 or any law of Canada implementing the agreement, the Lieutenant Governor in Council may by regulation,

- (a) authorize the Corporation to participate in one or more government programs relating to economic development and named in the regulation; and
- (b) prescribe the region or regions to which that authority extends, the manner in which that authority shall be exercised and the conditions to which that authority is subject.

14. Section 34 of the said Act is repealed and the following substituted therefor:

Compensation for damage

34.—(1) Where a power exercised under section 23 or 32 does not constitute an expropriation or injurious affection, compensation shall be paid to the owner for all damage to property resulting from the exercise of the power.

Application of
R.S.O. 1980,
c. 148

(2) The *Expropriations Act* applies with necessary modifications to the exercise of a power under subsection (1) as if it constituted injurious affection.

Limitation

(3) Where the lines or works of the Corporation are situate upon the King's Highway or any other highway, compensation for felling or removing trees or branches of trees is payable under subsection (1) only to the extent to which it is payable by a municipality under section 313 of the *Municipal Act*.

R.S.O. 1980,
c. 302

15. Subsection 35 (2) of the said Act is repealed and the following substituted therefor:

Effect of
failure to
give notice

(2) Where a claimant fails to give or gives insufficient notice of a claim within the period required by subsection (1), either the Corporation or the owner may request the board of negotiation under the *Expropriations Act* to attend and investigate the damage complained of.

R.S.O. 1980,
c. 148

Idem

(3) The board of negotiation may award such compensation as appears to it to be just if it is satisfied that,

- (a) there was reasonable excuse for the failure to give or the insufficiency of the notice; and
- (b) the Corporation was not thereby prejudiced.

(4) A finding of the board of negotiation under subsection (3) is final and binding upon the owner and the Corporation. Idem

16. The said Act is further amended by adding thereto the following section:

37a.—(1) The Corporation may purchase the residential premises owned and occupied by an employee or officer of the Corporation if employment by the Corporation obliges the employee or officer to reside in a new location. Homes of transferred employees

(2) The Corporation may sell or lease residential premises acquired under subsection (1). Idem

(3) Notwithstanding section 46, a residential premises purchased by the Corporation under this section is liable to assessment and taxation as if it were owned by any other person. Premises subject to municipal taxation

17. Subsection 40 (10) of the said Act is amended by striking out “or of the Divisional Court, such order is final” in the ninth line and inserting in lieu thereof “to be benefitted by such works or improvements”.

18. Section 42 of the said Act is repealed and the following substituted therefor:

42.—(1) In this section, “right” means any right, interest, way, privilege, permit or easement. Definition

(2) Notwithstanding any other Act, where any right has heretofore been or is hereafter acquired by the Corporation, in, through, over, under, along, upon, across or affecting any land, unless it is otherwise agreed, the land continues subject to the right for the term thereof and it is binding upon the owner at the time of acquisition and all subsequent owners of the land until expiration or release by the Corporation. Continuance of right

(3) Where a right mentioned in subsection (1) has heretofore been or is hereafter assigned by the Corporation to a municipal corporation or a commission established or deemed to be established under Part III of the *Public Utilities Act*, unless it is otherwise agreed, the land continues subject to the right for the term of the assignment and the right continues to Transfer of easements, etc., to commission
R.S.O. 1980, c. 423

bind all owners of the land until expiration or release by the municipal corporation or commission.

Information

(4) The Corporation, a municipal corporation or a commission mentioned in subsection (3), upon the request of a person intending to acquire an estate or interest in any land, shall make a search of its records and inform the person as to whether or not it has a right that relates to the land that is not registered under the *Land Titles Act* or the *Registry Act*.

R.S.O. 1980,
cc. 230, 445

Idem

(5) Where the Corporation, municipal corporation or commission informs the person that it has a right mentioned in subsection (4), it shall also inform the person as to the term and extent of the right.

Time

(6) The Corporation, municipal corporation or commission shall provide the information mentioned in subsections (4) and (5) not later than twenty-one days after the date on which it receives the request for the information.

Compensation

(7) A person who suffers loss or damage due to the failure of the Corporation, municipal corporation or commission to comply with subsections (4) to (6) is entitled to compensation for the loss or damage from the Corporation, municipal corporation or commission, as the case may be.

Application
of
R.S.O. 1980,
c. 148

(8) The *Expropriations Act* applies with necessary modifications to a claim for compensation under subsection (7) as if it constituted injurious affection and, for the purpose,

- (a) a reference to the statutory authority shall be deemed to be a reference to the Corporation, municipal corporation or the commission, as the case requires; and
- (b) a reference to the owner shall be deemed to be a reference to the person mentioned in subsection (4).

Application
of subss.(4-8)

(9) Subsections (4) to (8) do not apply where works of the Corporation, municipal corporation or commission are visible on the land that is subject to the right.

19. Subsection 44 (1) of the said Act is amended by striking out “not less than \$5 and not more than \$10” in the fifth and sixth lines and inserting in lieu thereof “not more than \$200”.

20.—(1) Subsections 51 (1) and (2) of the said Act are repealed and the following substituted therefor:

(1) In this section, “securities” means notes, discount notes, bonds, debentures and other securities. Definition

(1a) Subject to the approval of the Lieutenant Governor in Council, the Corporation may, General borrowing powers

- (a) borrow from time to time such sums of money as it may consider requisite for any of its purposes;
- (b) for the purpose of such borrowing, issue securities bearing no interest or bearing interest at such rate or rates as the Corporation may determine at the time of issue;
- (c) determine the time or times, the manner, the place or places in Canada or elsewhere and the currency of such country or countries in which the principal, interest if any and premium if any are payable; and
- (d) determine at the time of their issue the time or times, the price or prices and the manner, either with or without premium, that such securities are redeemable in advance of maturity.

(2) The Corporation, without any further approval of the Lieutenant Governor in Council, may from time to time authorize the issue of securities if, Idem

- (a) it has by resolution passed and approved under subsection (1a) authorized the borrowing of money by the issue from time to time of securities maturing not later than five years from the respective dates of issue and bearing interest, if any, at a rate or rates not exceeding the maximum rate of interest specified in the resolution;
- (b) the securities are within the maximum principal amount prescribed by the resolution;
- (c) the securities bear such respective dates of issue and mature not later than five years from those dates; and
- (d) the securities bear interest, if any, at such respective rates not exceeding the said maximum interest if any.

(2) Clause 51 (3) (b) of the said Act is amended by inserting after “notes” in the first line “discount notes”.

(3) Clause 51 (3) (d) of the said Act is amended by inserting after “notes” in the second line “discount notes”.

(4) Subsection 51 (5) of the said Act is amended by inserting after “notes” in the second line “discount notes”.

(5) Subsection 51 (7) of the said Act is amended by inserting after “notes” in the third line “discount notes”.

(6) Subsection 51 (8) of the said Act is amended by inserting after “notes” in the first line “discount notes”.

21.—(1) Subsection 53 (1) of the said Act is repealed and the following substituted therefor:

Guaranteeing
bonds of
Corporation

(1) The Lieutenant Governor in Council is authorized, on such terms as are approved by order in council, to guarantee the payment of the principal, interest and premium of any notes, discount notes, bonds, debentures or other securities issued by the Corporation.

Form and
manner

(1a) Any such guarantee shall be in the form and manner approved by the Lieutenant Governor in Council.

Signing

(1b) A guarantee shall be signed by the Treasurer of Ontario or the Deputy Treasurer of Ontario or such other officer or officers as are designated by the Lieutenant Governor in Council.

After
signature,
Province is
liable

(1c) After a guarantee is so signed, the Province of Ontario becomes liable for the payment of the principal, interest and premium of the notes, discount notes, bonds, debentures or other securities as provided in the guarantee.

Payment
authorized

(1d) The Lieutenant Governor in Council is authorized to make arrangements for supplying the money necessary to fulfil the requirements of a guarantee and to advance the money necessary for that purpose out of the Consolidated Revenue Fund.

Conclusive
evidence

(1e) Any guarantee signed in accordance with subsection (1b) is conclusive evidence of the guarantee.

(2) Subsection 53 (2) of the said Act is amended by inserting after “notes” in the ninth line and in the thirteenth line “discount notes”.

22. Subsection 55 (2) of the said Act is amended by inserting after “notes” in the second line “discount notes”.

23. Section 56 of the said Act is amended by adding thereto the following subsections:

(2) Clauses 23 (1) (c), (f), (o), (p) and (v) and sections 279, 280, 281 and 282 of the *Corporations Act* apply with necessary modifications to the Corporation in carrying out its purposes and business. Incidental powers
R.S.O. 1980,
c. 95

(3) Subject to the approval of the Lieutenant Governor in Council, the Corporation may exercise the powers set out in clauses 23 (1) (a), (b), (d), (e) and (h) of the *Corporations Act* in carrying out its purposes and business. Idem

24. Subsection 56a (3) of the said Act, as enacted by the Statutes of Ontario, 1981, chapter 16, section 3, is amended by adding thereto the following paragraphs:

5. The reduction of electrical energy use through more efficient use of electricity.
6. The shifting of electrical loads from times of high demand to times of lower demand.

25.—(1) Subsection 56b (1) of the said Act, as enacted by the Statutes of Ontario, 1981, chapter 16, section 3, is amended by inserting after “money” in the second line “and provide such incentives and technical assistance”.

(2) Subsection 56b (2) of the said Act, as enacted by the Statutes of Ontario, 1981, chapter 16, section 3, is amended by inserting after “loan” in the first line “or incentive or assistance”.

(3) Subsection 56b (3) of the said Act, as enacted by the Statutes of Ontario, 1981, chapter 16, section 3, is amended by inserting after “money” in the first line “or provide incentives or assistance”.

26. The said Act is further amended by adding thereto the following section:

56h.—(1) In this section, “parallel generation” means the generation of power from equipment that is neither owned nor operated by the Corporation and that is directly or indirectly connected to a power distribution or transmission system of the Corporation. Definition

(2) The purposes and business of the Corporation include the encouragement of parallel generation. Parallel generation

Loans, etc.,
for parallel
generation

(3) The Corporation may loan such money and provide such incentives and technical assistance as the Corporation determines appropriate for the encouragement of parallel generation.

Terms and
conditions

(4) A loan or incentive or assistance under this section may be made upon such terms and conditions, including terms and conditions in respect of certification of work, security, repayment, costs of recovery and interest, as the Corporation determines.

27. Subsection 57 (1) of the said Act is repealed and the following substituted therefor:

Corporation
may
purchase,
lease, sell
supplies

(1) The Corporation may purchase or lease such electrical, hydraulic or other machinery, appliances, apparatus and furnishings as may be used in the transmission, distribution, supply or use of power and may sell or dispose of any such thing that it owns.

28. The said Act is further amended by adding thereto the following section:

Definition

59a.—(1) In this section, “related business venture” means a business venture to assist the Corporation in carrying out its purposes, a business venture through which the Corporation can market its products or expertise or any other business venture related to the matters it is authorized to carry on under sections 23, 56, 56d, 56g and 57.

Related
business
ventures

(2) Subject to the approval of the Lieutenant Governor in Council, the Corporation may,

- (a) carry on related business ventures within and outside Ontario; and
- (b) for the purpose may acquire by purchase or otherwise shares or stock in a corporation or the securities of a corporation or may incorporate a corporation to carry on such ventures.

Restriction

(3) A corporation whose shares, stock or securities are acquired under subsection (2) or that is incorporated under subsection (2) shall not carry on an activity for which the Corporation is required to obtain the approval of the Lieutenant Governor in Council without obtaining the approval of the Lieutenant Governor in Council.

29.—(1) Section 62 of the said Act is amended by striking out “not in excess of 9 per cent per annum” in the fifth and sixth lines.

(2) The said section 62 is further amended by adding thereto the following subsection:

(2) The rate of interest under subsection (1) shall not exceed a rate equal to the average borrowing rate for funds borrowed in Canadian dollars by the Corporation for a term not exceeding one year in the quarter preceding the date the payment went into arrears. Rate of interest

30. Section 69 of the said Act is amended by adding thereto the following subsections:

(1a) The Corporation may exercise the discretion under subsection (1) in respect of a proposed contract for supplying power outside Canada only if, Restriction

- (a) that supply of power is surplus to the reasonably foreseeable power requirements of Ontario and other customers in Canada; and
- (b) the price to be charged for that supply of power will recover the appropriate share of the costs incurred in Ontario and be more than the price charged to customers in Canada for equivalent service.

(1b) The Board shall ensure that the requirements for power of Ontario customers and any requirements for power under contracts with other customers in Canada are met before meeting the requirements for power of any customer outside Canada. Idem

(1c) Subsections (1a) and (1b) apply notwithstanding anything to the contrary in the trade agreement entered into between the governments of Canada and the United States of America on the 2nd day of January, 1988 or any law of Canada implementing the agreement. Idem

31.—(1) Section 78 of the said Act is amended by striking out “interest at the rate of 4 per cent per year” in the seventh and eighth lines and inserting in lieu thereof “on an annual basis interest calculated under subsection (2)”.

(2) The said section 78 is further amended by adding thereto the following subsection:

Calculation
of interest

(2) Interest under subsection (1) shall be calculated by determining the average borrowing rate for funds borrowed in Canadian dollars by the Corporation for a term not exceeding one year in the quarter preceding the beginning of the year for which the interest is calculated.

32. Section 90 of the said Act is amended by adding thereto the following subsections:

Reasonable
security

(2) The Corporation may require any customer in the rural power district to give reasonable security for the payment of its rates and charges,

(a) before supplying power to the customer;

(b) as a condition of continuing such supply; or

(c) before performing any work or providing any service for the purpose of such supply.

Power to
shut off
supply

(3) In default of payment, the Corporation may shut off the supply of power but the rates or charges in default are, nevertheless, recoverable.

33.—(1) Subsection 92 (1) of the said Act is amended by inserting after “which” in the eighth line “a committee of”.

(2) Section 92 of the said Act is amended by adding thereto the following subsection:

Committee

(1a) The committee shall consist of the chairperson and at least two other directors appointed by the chairperson.

(3) Subsection 92 (2) of the said Act is amended by striking out “Board” in the first line and inserting in lieu thereof “committee”.

(4) The said section 92 is further amended by adding thereto the following subsection:

Decision of
Board

(3) A decision of the committee shall be deemed to be a decision of the Board.

34.—(1) Subsection 93 (1) of the said Act is amended by adding thereto the following clauses:

(e) adopting by reference, in whole or in part, with such changes as the Corporation with the approval of the Lieutenant Governor in Council considers necessary, any code or standard and requiring

compliance with any code or standard that is so adopted;

- (f) requiring compliance with any code or standard under a rule or by-law of a municipal corporation or commission or under a rule of a person supplying power to such works.

(2) Subsection 93 (11) of the said Act is repealed and the following substituted therefor:

(11) Every municipal or other corporation or commission, Offences
and every company, firm or individual,

- (a) hindering, molesting, disturbing or interfering with an inspector or other employee in the performance of the inspector's or employee's duty under this section is guilty of an offence and on conviction is liable to a fine of not more than \$500 for each offence;
- (b) refusing or neglecting to comply with this section, or with any regulation, plan or specification made under its authority is guilty of an offence and on conviction is liable to a fine of not more than \$5,000 for each offence;
- (c) refusing or neglecting to comply with an order issued by the Corporation under subsection (5) is guilty of an offence and on conviction is liable to a fine of not more than \$5,000 and a further fine of not more than \$500 for each day upon which such refusal or neglect is repeated or continued.

35. Subsection 95 (2) of the said Act is amended by striking out "having a population of less than 200,000" in the fifth and sixth lines.

36. The said Act is further amended by striking out "chairman" wherever it appears and inserting in lieu thereof in each instance "chairperson" and by striking out "vice-chairman" wherever it appears and inserting in lieu thereof in each instance "vice-chairperson".

37. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor. Commence-
ment

38. The short title of this Act is the *Power Corporation Amendment Act, 1989*. Short title

Bill 205

An Act to amend the Amusement Devices Act, 1986

The Hon. W. Wrye

Minister of Consumer and Commercial Relations



1st Reading January 24th, 1989

2nd Reading

3rd Reading

Royal Assent

*Continued from the 1st Session by an Order of the
Legislative Assembly of March 2nd, 1989.*

EXPLANATORY NOTES

SECTION 1. Section 6 of the Act deals with unsafe operation of amusement devices. The new subsection is an extension of this concept.

SECTION 2. The new subsection extends the powers of inspectors.

SECTION 3.—Subsection 1. Subsection 12 (1) of the Act is rewritten to authorize an inspector to close down an amusement device that is being operated without a permit or in contravention of a permit. Currently, the inspector has a discretion to issue the closing down of the operation. The rewritten provision makes the issuing of the order mandatory.

Subsection 2. The change to subsection 12 (2) of the Act is complementary to the change in subsection 1 above.

SECTION 4. The new section 12a allows an inspector who finds an infraction that does not present a hazard to order that the infraction be rectified. If the infraction is rectified, no charge will be laid.

SECTION 5. Subsection 13 (1) of the Act is modified to allow an appeal from an order made under the new section 12a of the Act as set out in section 4 of the Bill.

SECTION 6. Subsection 16 (1) of the Act is rewritten to shift the duty of notifying the Director of an accident from the operator to the licensee. The changes to the rewritten subsection 16 (2) is partly complementary to the change in subsection 16 (1) and partly housekeeping in nature.

SECTION 7.—Subsection 1. The amendment makes it an offence to disobey an inspector's order.

Subsection 2. The effect of the new subsection 17 (3) is to permit a charge to be laid within one year of an alleged offence instead of only within six months.

SECTION 8. Section 18 of the Act authorizes the making of regulations. Two clauses are being added to this authority to enable new categories of fees to be charged for prescribed inspections. Subsection 18 (4) of the Act currently permits the Director to allow a variance from an adopted code. The subsection is rewritten to permit the Director a greater discretion where technical matters are involved. The idea is to allow some flexibility to accommodate technological changes if there is not a decrease in the standard of safety.

Bill 205**1989**

**An Act to amend the
Amusement Devices Act, 1986**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 6 of the *Amusement Devices Act, 1986*, being chapter 6, is amended by adding thereto the following subsection:

(4) No person shall behave in or on an amusement device or do any work on an amusement device in such manner as to, Dangerous
behaviour

- (a) impair the safe operation of the device; or
- (b) endanger any person.

2. Section 10 of the said Act is amended by adding thereto the following subsection:

(2a) An inspector designated under subsection (1), Idem

- (a) may require that a part of an amusement device be sealed to prevent readjustment thereof; and
- (b) if there is reasonable grounds to believe that an amusement device can not or will not be operated safely, may require the licensee of the device to conduct, at the licensee's expense, such tests as the inspector may specify.

3.—(1) Subsection 12 (1) of the said Act is repealed and the following substituted therefor:

(1) An inspector who has reason to believe that an amusement device, Order not
to use

- (a) is not being or can not be operated safely;

(b) will be operated unsafely; or

(c) is being operated other than in accordance with a permit,

shall order that the device not be operated or used and shall affix a seal thereto.

(2) Subsection 12 (2) of the said Act is amended by adding at the end thereof “or that the device will be operated in accordance with a permit, as the case may be”.

4. The said Act is amended by adding thereto the following section:

Where
contravention

12a.—(1) An inspector who has reason to believe that there is a contravention of this Act or the regulations that does not present an immediate hazard may serve the contravener or a person who has the authority to correct the contravention with a written order directing that the deficiency be corrected within the time specified in the order.

Idem

(2) Any person who receives an order under subsection (1) and complies with the order is not guilty of an offence in respect of the contravention that was the subject-matter of the order.

5. Subsection 13 (1) of the said Act is repealed and the following substituted therefor:

Appeal

(1) Any person affected by an order of an inspector may appeal at any time to the Director.

6. Subsections 16 (1) and (2) of the said Act are repealed and the following substituted therefor:

Notification
of accident,
etc.

(1) If an accident or an incident occurs in connection with an amusement device that results in the death of or serious injury to any person, the licensee responsible for the device shall immediately notify the Director of the accident or incident.

Idem

(2) Every licensee responsible for an amusement device that is involved in an accident or in any incident indicating that the device is potentially dangerous shall notify the Director, by telephone, within twenty-four hours after the accident or incident and shall submit to the Director, within seven days after the accident or incident, a written report setting out the particulars of the accident or incident.

7.—(1) Subsection 17 (1) of the said Act is amended by inserting after “regulations” in the second line “or who fails to comply with an order of an inspector”.

(2) Section 17 of the said Act is amended by adding thereto the following subsection:

(3) No proceedings under this Act may be commenced after one year after the date when the subject-matter occurred or is alleged to have occurred. Time limit

8.—(1) Subsection 18 (1) of the said Act is amended by adding thereto the following clauses:

- (ma) prescribing the circumstances under which expenses or special fees, or both, are to be paid and prescribing the special fees and designating the persons by whom such expenses or fees are to be paid;
- (mb) classifying inspections and prescribing the fees to be paid for inspections or witnessing tests by inspectors and prescribing by whom the fees shall be paid.

(2) Subsection 18 (4) of the said Act is repealed and the following substituted therefor:

(4) The Director may allow a variance from any regulation to accommodate technological problems or advances if, in the opinion of the Director, the variance would not detrimentally affect the safe use of the amusement device involved. Variance by Director

9. This Act comes into force on the day it receives Royal Assent. Commencement

10. The short title of this Act is the *Amusement Devices Amendment Act, 1989*. Short title

Bill 205

*(Chapter 27
Statutes of Ontario, 1989)*

An Act to amend the Amusement Devices Act, 1986

The Hon. W. Wrye
Minister of Consumer and Commercial Relations



<i>1st Reading</i>	January 24th, 1989
<i>2nd Reading</i>	May 16th, 1989
<i>3rd Reading</i>	June 19th, 1989
<i>Royal Assent</i>	June 20th, 1989

*Continued from the 1st Session by an Order of the
Legislative Assembly of March 2nd, 1989.*

Bill 205

1989

**An Act to amend the
Amusement Devices Act, 1986**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 6 of the *Amusement Devices Act, 1986*, being chapter 6, is amended by adding thereto the following subsection:

(4) No person shall behave in or on an amusement device or do any work on an amusement device in such manner as to, Dangerous
behaviour

- (a) impair the safe operation of the device; or
- (b) endanger any person.

2. Section 10 of the said Act is amended by adding thereto the following subsection:

(2a) An inspector designated under subsection (1), Idem

- (a) may require that a part of an amusement device be sealed to prevent readjustment thereof; and
- (b) if there is reasonable grounds to believe that an amusement device can not or will not be operated safely, may require the licensee of the device to conduct, at the licensee's expense, such tests as the inspector may specify.

3.—(1) Subsection 12 (1) of the said Act is repealed and the following substituted therefor:

(1) An inspector who has reason to believe that an amusement device, Order not
to use

- (a) is not being or can not be operated safely;

(b) will be operated unsafely; or

(c) is being operated other than in accordance with a permit,

shall order that the device not be operated or used and shall affix a seal thereto.

(2) Subsection 12 (2) of the said Act is amended by adding at the end thereof “or that the device will be operated in accordance with a permit, as the case may be”.

4. The said Act is amended by adding thereto the following section:

Where
contravention

12a.—(1) An inspector who has reason to believe that there is a contravention of this Act or the regulations that does not present an immediate hazard may serve the contravener or a person who has the authority to correct the contravention with a written order directing that the deficiency be corrected within the time specified in the order.

Idem

(2) Any person who receives an order under subsection (1) and complies with the order is not guilty of an offence in respect of the contravention that was the subject-matter of the order.

5. Subsection 13 (1) of the said Act is repealed and the following substituted therefor:

Appeal

(1) Any person affected by an order of an inspector may appeal at any time to the Director.

6. Subsections 16 (1) and (2) of the said Act are repealed and the following substituted therefor:

Notification
of accident,
etc.

(1) If an accident or an incident occurs in connection with an amusement device that results in the death of or serious injury to any person, the licensee responsible for the device shall immediately notify the Director of the accident or incident.

Idem

(2) Every licensee responsible for an amusement device that is involved in an accident or in any incident indicating that the device is potentially dangerous shall notify the Director, by telephone, within twenty-four hours after the accident or incident and shall submit to the Director, within seven days after the accident or incident, a written report setting out the particulars of the accident or incident.

7.—(1) Subsection 17 (1) of the said Act is amended by inserting after “regulations” in the second line “or who fails to comply with an order of an inspector”.

(2) Section 17 of the said Act is amended by adding thereto the following subsection:

(3) No proceedings under this Act may be commenced Time limit after one year after the date when the subject-matter occurred or is alleged to have occurred.

8.—(1) Subsection 18 (1) of the said Act is amended by adding thereto the following clauses:

(ma) prescribing the circumstances under which expenses or special fees, or both, are to be paid and prescribing the special fees and designating the persons by whom such expenses or fees are to be paid;

(mb) classifying inspections and prescribing the fees to be paid for inspections or witnessing tests by inspectors and prescribing by whom the fees shall be paid.

(2) Subsection 18 (4) of the said Act is repealed and the following substituted therefor:

(4) The Director may allow a variance from any regulation to accommodate technological problems or advances if, in the opinion of the Director, the variance would not detrimentally affect the safe use of the amusement device involved. Variance by Director

9. This Act comes into force on the day it receives Royal Assent. Commencement

10. The short title of this Act is the *Amusement Devices Amendment Act, 1989*. Short title

20N

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GOVERNMENT
Publications

Bill 206

Government Bill

2ND SESSION, 34TH LEGISLATURE, ONTARIO

38 ELIZABETH II, 1989

Bill 206

An Act to amend the Elevating Devices Act

The Hon. W. Wrye

Minister of Consumer and Commercial Relations



1st Reading January 24th, 1989

2nd Reading

3rd Reading

Royal Assent

*Continued from the 1st Session by an Order of the
Legislative Assembly of March 2nd, 1989.*

EXPLANATORY NOTE

The effect of the new subsection 30 (3) is to permit a charge to be laid within one year of an alleged offence instead of only within six months.

Bill 206**1989****An Act to amend the Elevating Devices Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 30 of the *Elevating Devices Act*, being chapter 135 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following subsection:

(3) No proceedings under this Act may be commenced after one year after the date when the subject-matter occurred or is alleged to have occurred.

Time limit

2. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

3. The short title of this Act is the *Elevating Devices Amendment Act, 1989*.

Short title

Bill 206

*(Chapter 28
Statutes of Ontario, 1989)*

An Act to amend the Elevating Devices Act

The Hon. W. Wrye

Minister of Consumer and Commercial Relations

<i>1st Reading</i>	January 24th, 1989
<i>2nd Reading</i>	May 16th, 1989
<i>3rd Reading</i>	June 19th, 1989
<i>Royal Assent</i>	June 20th, 1989

*Continued from the 1st Session by an Order of the
Legislative Assembly of March 2nd, 1989.*

Bill 206

1989

An Act to amend the Elevating Devices Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 30 of the *Elevating Devices Act*, being chapter 135 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following subsection:

(3) No proceedings under this Act may be commenced after one year after the date when the subject-matter occurred or is alleged to have occurred.

Time limit

2. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

3. The short title of this Act is the *Elevating Devices Amendment Act, 1989*.

Short title

Bill 207

An Act to amend the Energy Act

The Hon. W. Wrye

Minister of Consumer and Commercial Relations



1st Reading January 24th, 1989

2nd Reading

3rd Reading

Royal Assent

*Continued from the 1st Session by an Order of the
Legislative Assembly of March 2nd, 1989.*

EXPLANATORY NOTES

The Act permits the adoption by reference of codes such as the Electrical Code. The new provisions permit the Director to allow variances from the adopted codes and is identical to the provisions found in the *Elevating Devices Act*.

Clause 28 (1) (na) is new and is designed to allow local inspectors to administer adopted codes.

Bill 207

1989

An Act to amend the Energy Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 28 (1) of the *Energy Act*, being chapter 139 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following clause:

- (na) designating persons or classes of persons empowered to administer any code or standard adopted under subsection (2) and delegating to the designated persons or classes the authority to administer any code or standard adopted.

(2) Section 28 of the said Act is amended by adding thereto the following subsections:

- (4) The Director may allow a variance from any code adopted under the regulations or any provision in the regulations where, in the Director's opinion, the variance would not detrimentally affect the safety of the appliance, pipeline or work.

Variance by
Director

- (5) The Director may authorize the use of a new code or standard or changes to established codes or standards necessary to accommodate technological advances for a limited time and subject to any conditions specified.

Use of new
codes, etc.

2. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

3. The short title of this Act is the *Energy Amendment Act*, 1989.

Short title

20N
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Bill 207

(Chapter 29
Statutes of Ontario, 1989)

An Act to amend the Energy Act

The Hon. W. Wrye
Minister of Consumer and Commercial Relations

<i>1st Reading</i>	January 24th, 1989
<i>2nd Reading</i>	May 16th, 1989
<i>3rd Reading</i>	June 19th, 1989
<i>Royal Assent</i>	June 20th, 1989

*Continued from the 1st Session by an Order of the
Legislative Assembly of March 2nd, 1989.*

Bill 207

1989

An Act to amend the Energy Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 28 (1) of the *Energy Act*, being chapter 139 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following clause:

(na) designating persons or classes of persons empowered to administer any code or standard adopted under subsection (2) and delegating to the designated persons or classes the authority to administer any code or standard adopted.

(2) Section 28 of the said Act is amended by adding thereto the following subsections:

(4) The Director may allow a variance from any code adopted under the regulations or any provision in the regulations where, in the Director's opinion, the variance would not detrimentally affect the safety of the appliance, pipeline or work.

Variance by
Director

(5) The Director may authorize the use of a new code or standard or changes to established codes or standards necessary to accommodate technological advances for a limited time and subject to any conditions specified.

Use of new
codes, etc.

2. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

3. The short title of this Act is the *Energy Amendment Act*, 1989.

Short title

Bill 208

An Act to amend the Occupational Health and Safety Act and the Workers' Compensation Act

The Hon. G. Sorbara
Minister of Labour



1st Reading January 24th, 1989
2nd Reading
3rd Reading
Royal Assent

*Continued from the 1st Session by an Order of the
Legislative Assembly of March 2nd, 1989.*

EXPLANATORY NOTES

SECTION 1.—Subsection 1. These definitions relate to the Workplace Health and Safety Agency and the specially trained certified members of the health and safety committees established by proposed sections 10 and 23a of the Act.

Subsection 2. The definition of “constructor” is amended to clarify that works and undertakings underground in a mine are not governed by the construction regulations.

Subsection 3. Under the amendment, a person holding a logging licence under the *Crown Timber Act* or a person who undertakes logging for such a person will be an employer and subject to the duties of an employer under the Act and the regulations.

Subsection 4. The definition of “logging” is amended to include the maintenance of haul roads, scarification, carrying out of planned burns and silviculture.

Subsection 5. “Mining developments” are taken out of the definition of “project” in order to clarify that mining developments are governed by the mining regulations and not the construction regulations.

Subsection 6. A ship under construction or under repair will be treated as a project and will be subject to the provisions of the Act and the regulations that relate to construction projects. An owner does not become a constructor by virtue only of the fact that the owner has engaged an architect, professional engineer or other person solely to oversee the quality control at a project.

SECTION 2. This amendment provides that certain sections of the Act apply to self-employed persons.

SECTION 3. The amendments to section 7 of the Act will require a constructor at a project or an employer at any other work place, where a joint health and safety committee is not required, to cause the selection of a health and safety representative when the number of workers at the project or other work place regularly exceeds five.

The representative is required to inspect at least part of physical condition of the work place at least once a month such that the whole of the work place is inspected at least once in each twelve-month period.

The representative’s powers are expanded to include the right to obtain information from the employer concerning testing, to be consulted concerning such tests and to be present at their commencement.

SECTION 4.—Subsection 1. Clause 8 (1) (b) of the Act now contains specific exemptions from the requirement that a joint health and safety committee be established. The exemption for construction projects will be limited to projects which are anticipated to last less than three months. The amendments will remove these exemptions and authorize the Lieutenant Governor in Council to make regulations exempting classes of employers or work places.

Subsection 2. Necessary amendments are made to section 8 to reflect the fact that this section now applies to constructors as well as employers subject to the exemptions set out in subsection (1).

Subsection 3. The minimum size of a committee is changed from two to four persons, or such greater number as may be prescribed, if there are more than fifty workers in the work place. It is clarified that, where possible, representatives are required to be from the work place. A person ceases to be a member of the committee if that person ceases to be employed at the work place. Committees are required to have co-chairpersons, one of whom represents workers and the other of whom represents the employer.

Subsection 4. At least one committee member representing the employer and one representing workers will be required to be a certified member.

Subsections 5 to 7. The frequency of inspections can be changed by an order of an inspector or by regulation. If possible, the inspection is to be done by a certified member of the committee. The constructor, employer and workers are to provide assistance necessary for the health and safety inspections to be done. The member shall advise the committee of health and safety concerns and the committee is required to consider the information.

Subsection 8. The proposed amendment would require that the committee member be given at least one hour of paid time to prepare for each committee meeting.

SECTION 5. The proposed section 8a of the Act will require the committee at a construction project to set up a worker trades committee. The worker trades committee is to inform the construction project committee of the health and safety concerns of the workers of the trades. The time spent by the members of the trades committee attending meetings is to be work time for which the worker is paid, up to a maximum number of hours established by the construction project committee.

The proposed section expands the powers of a committee or a health and safety representative at a workplace to include the right to obtain information from the employer concerning industrial hygiene testing, to be consulted concerning such tests and to be present at their commencement.

SECTION 6. This amendment will create a Workplace Health and Safety Agency. The Agency will have a board of directors, appointed by the Lieutenant Governor in Council, consisting of two full-time co-chairpersons, one representing labour and the other representing management, and twelve part-time directors, six representing labour and six representing management. The Lieutenant Governor in Council will also have the power to appoint an executive director, on the recommendation of the board of directors, who will be a non-voting member of the board. The executive director is to carry out the directions of the board and to be responsible for the day to day operations of the Agency and may hire employees and consultants. The term and the remuneration of the members of the board and the executive director are to be determined by the Lieutenant Governor in Council.

The powers of the Agency are set out in the proposed subsection 10 (7).

The Agency is responsible to the Minister and if the Agency fails to fulfil any of its functions, the Minister may intervene.

The board of directors may delegate the Agency's powers and duties to employees of the Agency.

Safety Associations formed under section 123 of the *Workers' Compensation Act* are transferred to the Agency, except for the Farm Safety Association which may be transferred by regulation at a later date. The Agency has the power to vary the rules of operation of the safety associations transferred to its authority and can alter their composition.

The Workers' Compensation Board is to transfer annually to the Agency an amount, subject to certain limitations, determined by the Lieutenant Governor in Council from funds levied by the Board in respect of occupational health and safety related matters.

One year after this section comes into force, the Agency may not provide grants or funding to any accident prevention association, health and safety medical clinic or training centre unless management and workers have equal representation in respect of the operation of the association, clinic or training centre.

The Advisory Council on Occupational Health and Occupational Safety is abolished.

SECTIONS 7 AND 8. Necessary amendments to reflect other changes.

SECTION 9. This section adds to the duties imposed on an employer to maintain and provide a written occupational health and safety policy and to provide copies of requests made under the Act.

SECTION 10. The employer will have further duties to establish a medical surveillance program for the benefit of workers as prescribed and to carry out such training programs for workers, supervisors and committee members as prescribed.

Employers will be required to pay the worker's costs for the worker's participation in the employer's medical surveillance program, including reasonable travel expenses.

SECTION 11. The requirement for workers to undergo medical tests or examinations where prescribed is revoked.

SECTION 12. In the proposed section 18a, owners of property where construction work is carried out will be required to provide to prospective constructors as part of the tendering process, and, in any event, before entering into a binding contract with the constructor, a list of all designated substances that are present on the project site. Similarly, constructors will be required to ensure that prospective contractors and subcontractors are provided with such a list as part of the tendering process, and, in any event, before entering a binding contract. Owners and constructors who fail to comply with this provision will be liable to the person to whom the information should have been provided for any loss or damage.

SECTION 13. Architects and professional engineers will now be in contravention of the Act if they give negligent advice or certify equipment or a project the result of which is that a worker is endangered.

SECTION 14. Under the proposed section 19a, directors and officers of corporations will be required to take all reasonable care to ensure that the Act and regulations and orders under them are complied with.

SECTION 15. Self-explanatory.

SECTION 16. The amendment will remove the requirement to file a floor plan showing the location of all hazardous materials. Instead the employer will be required to keep the floor plan in an accessible place in the work place and to post a notice of its location.

SECTION 17. The Act presently requires an employer to provide an inventory of all hazardous materials in the work place and their material safety data sheets to the medical officer of health for the area, the local fire department and a Director. The proposed amendment will require that the inventory and material safety data sheets be provided to such persons only upon request or if so required by regulation.

SECTION 18. Self-explanatory.

SECTION 19.—Subsections 1, 2 and 3. The worker's right to refuse to work is expanded to include the situation where the worker has reason to believe that an activity he or she is about to engage in is likely to endanger someone.

Subsection 4. The proposed amendment clarifies that the time spent by a worker who has exercised his or her right to refuse and is standing by pending the completion of the investigation is work time for which the worker is to be paid.

SECTION 20. Under the proposed section 23a, if a certified member finds that a provision of the Act or the regulations is being contravened, the contravention poses a danger or a hazard to a worker, and the danger or hazard is such that any delay in controlling it will cause serious risk to a worker, the certified member may direct the employer to stop the specific work or the use of the specific machine or equipment.

The employer is to comply with the direction to stop work immediately and is to investigate the circumstances in the presence of the certified member. A direction to stop work may be cancelled by the certified member or by an inspector of the Ministry.

If on a worker's complaint, a certified member has reason to believe that a situation requiring a stop work direction exists, the certified member may investigate.

Under section 23b, the time spent by a certified member under section 23a shall be deemed to be work time for which the member is to be paid.

Under the proposed section 23c, if an employer believes that a certified worker has unreasonably exercised his or her powers under section 23a, the employer may file a complaint with the Agency which shall hear the complaint. If the Agency finds that the certified member gave a direction to stop work negligently or in bad faith, the Agency shall decertify the member. If the Agency finds that the member otherwise behaved improperly, the Agency can give such order as it considers appropriate. The decision of the Agency is final. If a member's certification is revoked by the Agency, that person is not eligible to be re-certified.

SECTION 21. The protection to workers against reprisals by their employers is extended to include a prohibition against reprisals to a worker who has given testimony in a proceeding under the Act or under the *Coroners Act*.

SECTION 22. This amendment provides that an employer must give notice to a Director and the committee, the health and safety representative and the trade union, if any, when a claim in respect of an occupational illness has been filed with the Workers' Compensation Board.

SECTION 23.—Subsection 1. Same as changes to section 23 of the Act (section 19 of the Bill).

Subsection 2. This section expands an inspector's powers to require an employer to cause tests to be conducted, by the appropriate experts, at the employer's expense and to provide reports of them, to require an employer not to allow equipment to be used pending testing, and to require the production of materials concerning the content of training programs.

SECTION 24. Under the proposed section 28a, an inspector may order an inspection frequency of a work place different from that set out in the Act.

Under the proposed section 28b, the powers of an inspector are increased to allow the inspector to seize documents and things to be used as evidence in a prosecution under the Act.

SECTION 25. The amendments to section 29 authorize an inspector to provide in an order for compliance that an employer prepare and submit a compliance plan detailing how and when the employer proposes to comply with the order.

A stop work order would now remain in effect until the inspector has withdrawn or cancelled it following an inspection. However, an employer will be able to resume work pending the inspection if the employer has given notice of compliance to an inspector and a committee member representing workers or a health and safety representative advises an inspector that he or she agrees that the order has been complied with.

SECTION 26. The proposed section 30a provides that a constructor or an employer shall submit to the Ministry written notice of compliance within three days of the time the constructor or the employer believes compliance has been achieved. The notice is to be accompanied by a statement of a committee member representing workers or a health and safety representative agreeing or disagreeing with the constructor's or the employer's view or a statement that the member or representative declines to make such a statement. The notice of compliance is to be posted along with the order in a conspicuous

place in the work place for fourteen days following its submission. The section also provides that the final determination of whether compliance has been achieved is left to an inspector.

SECTION 27. The proposed subsection 34 (1a) provides for the confidentiality of worker's health records.

SECTION 28. The protection in the Act against actions for damages is extended to persons who act as advisors for the Ministry and the directors, executive director and employees of the Agency.

SECTION 29. The maximum fine for a corporation convicted of an offence under the Act is increased from \$25,000 to \$500,000.

SECTION 30. This amendment allows the admission of a certificate of analysis of a test or analysis of equipment or things as evidence in a proceeding under the Act without requiring the strict proof of the signature or official character of the document.

SECTION 31. The Attorney General or an agent of the Attorney General is given the right to require that a trial of an offence under the Act be presided over by a provincial court judge rather than a justice of the peace.

SECTION 32. The regulation-making powers are increased to reflect the changes to the Act made by this Bill.

SECTION 33.—Subsection 1. The proposed amendment to section 91 of the *Workers' Compensation Act* enables the Workers' Compensation Board to take into account recommendations received from the Agency respecting the increasing or decreasing of contributions under subsections 91 (4) and (6).

Subsection 2. Section 123 of the *Workers' Compensation Act* is re-enacted to continue the provisions of that section with respect only to the farm-related safety associations.

Bill 208**1989**

**An Act to amend the
Occupational Health and Safety Act
and the Workers' Compensation Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Section 1 of the *Occupational Health and Safety Act*, being chapter 321 of the Revised Statutes of Ontario, 1980, as amended by the Statutes of Ontario, 1986, chapter 64, section 44 and 1987, chapter 29, section 1, is further amended by re-numbering paragraph 1 as paragraph 1b and by adding thereto the following paragraphs:

1. “Agency” means the Workplace Health and Safety Agency established under section 10;
- 1a. “certified member” means a committee member who is certified by the Agency under clause 10 (7) (c).

(2) Paragraph 3 of the said section 1 is amended by adding at the end thereof “but does not include any work or undertaking underground in a mine”.

(3) Paragraph 8 of the said section 1 is repealed and the following substituted therefor:

8. “employer” means a person who employs one or more workers or who contracts for the services of one or more workers and includes,
 - i. a contractor or subcontractor who performs work or supplies services,
 - ii. a contractor or subcontractor who undertakes with an owner, constructor, contractor or subcontractor to perform work or supply services,

R.S.O. 1980,
c. 109

iii. a person who holds a logging licence under the *Crown Timber Act*,

iv. a person who undertakes all logging on behalf of a person described in subparagraph iii with respect to the licence.

(4) Paragraph 15 of the said section 1 is amended by inserting after "logs" in the fourth line "the maintenance of haul roads, scarification, the carrying out of planned burns, the practice of silviculture".

(5) Subparagraph ii of paragraph 23 of the said section 1 is repealed.

(6) The said section 1 is further amended by adding thereto the following subsections:

Ship under
repair

(2) For the purposes of this Act and the regulations, a ship being manufactured or under repair shall be deemed to be a project.

Limitation

(3) An owner does not become a constructor by virtue only of the fact that the owner has engaged an architect, professional engineer or other person solely to oversee quality control at a project.

2. The said Act is amended by adding thereto the following section:

Self-
employed
persons

3a. Subsections 14 (1), clauses 15 (1) (c), (e), (f) and (g), subsection 20 (1) and sections 21, 22a, 22b, 22c, 22d, 22e, 22f, 25, 26, 28, 29, 29a, 30a, 31, 32, 33, 37, 38, 39 and 40, and the regulations in relation thereto, apply with necessary modifications to a self-employed person.

3.—(1) Subsections 7 (1) and (2) of the said Act are repealed and the following substituted therefor:

Mandatory
selection of
health and
safety
representative

(1) At a project or other work place where no committee is required under section 8 and where the number of workers regularly exceeds five, the constructor or employer shall cause the workers to select at least one health and safety representative from among the workers at the work place who do not exercise managerial functions.

Order
appointing
health and
safety
represent-
atives

(2) If no health and safety representative is required under subsection (1) and no committee is required under section 8 for a work place, the Minister may, by order in writing, require a constructor or employer to cause the workers to

select one or more health and safety representatives from among the workers at the work place or part thereof who do not exercise managerial functions, and may provide in the order for the qualifications of such representatives.

(2) Subsection 7 (6) of the said Act is repealed and the following substituted therefor:

(6) Unless otherwise required by the regulations or an order by an inspector, a health and safety representative shall inspect the physical condition of at least part of the work place in each month. Inspections

(6a) Inspections of a work place shall be conducted so that in each twelve-month period all of the work place is inspected. Idem

(6b) The constructor, employer and workers shall provide a health and safety representative with such information and assistance as the member may require for the purpose of carrying out an inspection of the work place. Idem

(3) Section 7 of the said Act is amended by adding thereto the following subsections:

(7a) A health and safety representative has the power, Powers of representative

- (a) to obtain information from the constructor or employer concerning the conducting or taking of tests of any equipment, machine, device, article, thing, material or biological, chemical or physical agent in or about a work place for the purpose of occupational health and safety and to be consulted concerning and be present at the beginning of testing conducted in or about the work place; and
- (b) to obtain information from the constructor or employer respecting,
 - (i) the identification of potential or existing hazards of materials, processes or equipment, and
 - (ii) health and safety experience and work practices and standards in similar or other industries of which the constructor or employer has knowledge.

Response to
recommendations

(7b) A constructor or employer shall respond in writing to any recommendations of a health and safety representative within thirty days after receiving them.

Idem

(7c) A response of a constructor or employer under subsection (7b) shall contain a timetable for implementing the recommendations the constructor or employer agrees with and give reasons that the constructor or employer disagrees with any recommendations that the constructor or employer does not accept.

(4) Subsection 7 (10) of the said Act is amended by striking out “subsections (6), (7) and (8)” in the eighth line and inserting in lieu thereof “this section”.

4.—(1) Subsection 8 (1) of the said Act is repealed and the following substituted therefor:

Application

(1) Subject to subsection (3), this section does not apply,

(a) to a constructor at a project at which work is expected to last less than three months; or

(b) to a prescribed employer or work place or class of employers or work places.

(2) Subsection 8 (2) of the said Act is amended by striking out “employer” in the seventh line and inserting in lieu thereof “constructor or the employer”.

(3) Subsection 8 (5) of the said Act is repealed and the following substituted therefor:

Composition
of committee

(5) A committee shall consist of,

(a) at least two persons, for a work place where fewer than fifty workers are regularly employed; or

(b) at least four persons or such greater number of people as may be prescribed, for a work place where fifty or more workers are regularly employed.

Idem

(5a) At least half the members of a committee shall be workers employed at the work place who do not exercise managerial functions.

Selection of
members

(5b) The members of a committee who represent workers shall be selected by the workers they are to represent or, if a trade union or unions represent the workers, by the trade union or unions.

(5c) The constructor or employer shall select the remaining members of a committee from among persons who exercise managerial functions for the constructor or employer and, if possible, who do so at the work place. Idem

(5d) A member of the committee who ceases to be employed at the work place ceases to be a member of the committee. Requirement for committee membership

(5e) Two of the members of a committee shall co-chair the committee, one of whom shall be selected by the members who represent workers and the other of whom shall be selected by the members who exercise managerial functions. Committee to be co-chaired

(4) Section 8 of the said Act is amended by adding thereto the following subsections:

(5f) Unless otherwise prescribed, a constructor or employer shall ensure that at least one member of the committee representing the constructor or employer and one member representing workers are certified members. Certification requirement

(5g) If a certified member resigns or is unable to act, the constructor or employer shall, within a reasonable time, take all steps necessary to ensure that the requirement set out in subsection (5f) is met. Replacement of certified member

(5) Subsection 8 (6) of the said Act is amended by striking out “and” at the end of clause (c), by adding “and” at the end of clause (d) and by adding thereto the following clause:

- (e) obtain information from the constructor or employer concerning the conducting or taking of tests of any equipment, machine, device, article, thing, material or biological, chemical or physical agent in or about a work place for the purpose of occupational health and safety and to be consulted concerning and be present at the beginning of testing conducted in or about the work place.

(6) Section 8 of the said Act is further amended by adding thereto the following subsections:

(6a) A constructor or employer shall respond in writing to any recommendations of a committee within thirty days after receiving them. Response to recommendations

(6b) A response of a constructor or employer under subsection (6a) shall contain a timetable for implementing the recommendations the constructor or employer agrees with and Idem

give reasons that the constructor or employer disagrees with any recommendations that the constructor or employer does not accept.

(7) Subsection 8 (8) of the said Act is repealed and the following substituted therefor:

- Inspections (8) Subject to subsection (8a), the members of a committee who represent workers shall designate a member representing workers to inspect the physical condition of the work place.
- Idem (8a) If possible, the member designated under subsection (8) shall be a certified member.
- Idem (8b) The members of a committee are not required to designate the same member to perform all inspections or to perform all of a particular inspection.
- Idem (8c) Unless otherwise required by the regulations or an order by an inspector, a member designated under subsection (8) shall inspect at least part of the work place in each month.
- Idem (8d) Inspections of a work place shall be conducted so that in each twelve-month period all of the work place is inspected.
- Idem (8e) The constructor, employer and the workers shall provide a member designated under subsection (8) with such information and assistance as the member may require for the purpose of carrying out an inspection of the work place.
- Information reported to the committee (8f) The member shall inform the committee of situations that may be a source of danger or hazard to workers and the committee shall consider such information within a reasonable period of time.

(8) Subsection 8 (12) of the said Act is repealed and the following substituted therefor:

- Entitlement to time from work (12) A member of a committee is entitled to,
- (a) one hour or such longer period of time as the committee determines is necessary to prepare for each committee meeting;
 - (b) such time as is necessary to attend meetings of the committee; and
 - (c) such time as is necessary to carry out the member's duties under subsections (8c) and (9).

(12a) A member of a committee shall be deemed to be at work during the times described in subsection (12) and the member’s employer shall pay the member for those times at the member’s regular or premium rate as may be proper.

Entitlement to be paid

(9) Subsection 8 (14) of the said Act is amended by inserting after “by” in the third line “a constructor or” and by inserting after “consulting” in the fourth line “the constructor or”.

5. The said Act is further amended by adding thereto the following section:

8a.—(1) If a committee is required at a project, the committee shall establish a worker trades committee for the project.

Worker trades committee

(2) The members of a worker trades committee shall represent workers employed in each of the trades at the work place.

Committee membership

(3) The members of a worker trades committee shall be selected by the workers employed in the trades the members are to represent or, if a trade union represents the workers, by the trade union.

Selection of members

(4) It is the function of a worker trades committee to inform the committee at the work place of the health and safety concerns of the workers employed in the trades at the work place.

Function of worker trades committee

(5) Subject to subsection (6), a member of a worker trades committee is entitled to such time from work as is necessary to attend meetings of the worker trades committee and the time so spent shall be deemed to be work time for which the member shall be paid by the employer at the member’s regular or premium rate as may be proper.

Entitlement to time from work

(6) The committee for a work place shall determine the maximum amount of time for which members of a worker trades committee for the work place are entitled to be paid under subsection (5) for each meeting of the worker trades committee.

Committee to determine maximum entitlement

8b.—(1) The constructor or employer at a work place shall consult a health and safety representative or the committee members who represent workers with respect to proposed testing strategies for investigating industrial hygiene at the work place.

Powers re: industrial hygiene testing

Idem (2) The constructor or employer at a work place shall provide information to a health and safety representative or the committee members who represent workers concerning testing strategies to be used to investigate industrial hygiene at the work place.

Idem (3) A health and safety representative or the committee members who represent workers are entitled to attend the beginning of testing conducted with respect to industrial hygiene at the work place.

6. Section 10 of the said Act is repealed and the following substituted therefor:

Workplace Health and Safety Agency **10.**—(1) The Workplace Health and Safety Agency is established and shall consist of a board of directors appointed by the Lieutenant Governor in Council as follows:

1. Two full-time directors, one of whom shall represent management and one of whom shall represent labour, who shall jointly act as co-chairpersons.
2. Twelve part-time directors of whom six shall represent management and six shall represent labour.

Vacancies (2) The Lieutenant Governor in Council shall fill any vacancy that occurs among the directors.

Executive director (3) The Lieutenant Governor in Council shall, on the recommendation of the board of directors, appoint an executive director who shall be a non-voting member of the board of directors of the Agency and who shall,

- (a) carry out the directions of the board of directors of the Agency; and
- (b) be responsible for the executive management and day to day operation of the Agency.

Terms (4) The term of the directors and of the executive director of the Agency shall be determined by the Lieutenant Governor in Council.

Remuneration (5) The remuneration and expenses of the directors and the executive director of the Agency shall be determined by the Lieutenant Governor in Council.

Procedures (6) The board of directors of the Agency may make rules governing its procedure including the calling of meetings, the establishment of a quorum and the conduct of meetings.

(7) The function of the Agency is and it has power to,

Functions,
powers

- (a) develop requirements for the designation of members of committees as certified members;
- (b) administer the certification process of members of committees including the training requirements;
- (c) certify and decertify members of committees according to standards developed by the Agency and the provisions of this Act;
- (d) review the activities of certified members and, where necessary, discipline certified members;
- (e) develop and deliver educational and training programs, purchase programs from other institutions and contribute to the development of safety programs by other institutions;
- (f) promote public awareness of occupational health and safety;
- (g) provide funding for occupational health and safety research;
- (h) develop requirements for the accreditation of employers who operate successful health and safety programs and policies;
- (i) accredit and revoke the accreditation of employers according to the standards developed by the Agency;
- (j) advise the Minister on matters related to occupational health and safety which may be brought to its attention or be referred to it;
- (k) administer or oversee the operation of such occupational health and safety medical clinics as may be prescribed including the power to alter the rules of operation and change the organization of any clinic so prescribed;
- (l) administer or oversee the operation of such safety and accident prevention associations as may be prescribed including the power to alter the rules of operation and change the organization of any association so prescribed;

- (m) administer or oversee the operation of such occupational health and safety training centres as may be prescribed;
- (n) make grants or provide funds, or both, for any of the purposes set out in clauses (e), (k), (l) and (m);
- (o) advise the Workers' Compensation Board if accredited employers operate in such a manner as to reduce the hazard to workers in the work place;
- (p) advise the Workers' Compensation Board if employers fail to take sufficient precaution for the prevention of hazards to workers;
- (q) provide programs and services for a fee.

Responsible
to Minister

10a.—(1) The Agency is responsible to the Minister.

Resolution
by Minister

(2) If the directors of the Agency fail to fulfil any of their functions under this Act and the Minister determines there is a significant public interest at stake, the Minister may take whatever steps are necessary to ensure the functions are fulfilled.

Staff

(3) In accordance with policies approved by the board of directors of the Agency, and subject to guidelines established by the Management Board of Cabinet and subject to the *Crown Employees Collective Bargaining Act*, the executive director may appoint employees and consultants.

R.S.O. 1980,
c. 108

Delegation

(4) The board of directors may delegate in writing any of the Agency's powers or duties to any employee of the Agency who may act in the place of the Agency.

Annual
report

(5) The Agency shall file with the Minister not later than the first day of June in each year an annual report upon the affairs of the Agency.

Third-year
review

(6) The Agency shall submit to the Minister, within three years of its establishment, a review of its mandate which may contain recommendations with respect to its powers, the administration of programs established under its mandate and any proposed changes to its powers or programs.

Annual audit

(7) The accounts of the Agency shall be audited annually by the Provincial Auditor or by an auditor appointed by the Lieutenant Governor in Council.

10b.—(1) The associations formed under section 123 of the *Workers' Compensation Act* before the coming into force of this section, except for the Farm Safety Association of Ontario, are continued under the authority of the Agency.

Transfer of
safety
associations
R.S.O. 1980,
c. 539

(2) The Lieutenant Governor in Council may, by regulation, transfer responsibility for the Farm Safety Association of Ontario to the Agency, in which case this Act applies to the Association and the *Workers' Compensation Act* does not apply to it.

Regulation

(3) The rules of operation of the associations continue in force unless varied by the Agency.

Idem

(4) The Agency may alter the composition of the associations, vary their rules of operation and change their organization.

Power

10c.—(1) The Workers' Compensation Board shall transfer annually to the Agency an amount as determined by the Lieutenant Governor in Council and such amount shall not exceed 46.6 million dollars for the fiscal year in which this section comes into force and shall be subject to increase in each subsequent fiscal year by a sum not exceeding 10 per cent of the amount fixed for the preceding fiscal year.

Transfer of
funds

(2) The amount paid by the Workers' Compensation Board under this section shall be assessed and levied upon such employers or class of employers in Schedules 1 and 2 of the *Workers' Compensation Act* and in such manner as the Board considers appropriate.

Method of
collection

(3) No grant may be given under clause 71 (3) (j) of the *Workers' Compensation Act* to any organization that receives or that is eligible to receive funds or grants from the Agency under clause 10 (7) (n).

Limitation

10d.—(1) Notwithstanding clause 10 (7) (n), no grants or funds shall be given to any accident prevention association, occupational health and safety medical clinic or training centres established or continued under this Act unless management and workers who do not exercise managerial functions have equal representation in respect of the manner in which the association, clinic or training centre is operated.

Restriction

(2) Subsection (1) does not apply until one year after the date this section comes into force.

Transition

7. Subsection 11 (1) of the said Act is amended by striking out “paragraph 1” in the second line and inserting in lieu thereof “paragraph 1b”.

8. The heading to Part III of the said Act is repealed and the following substituted therefor:

DUTIES OF EMPLOYERS AND OTHER PERSONS

9. Subsection 14 (2) of the said Act, as amended by the Statutes of Ontario, 1987, chapter 29, section 2, is further amended by striking out “and” at the end of clause (g) and by adding thereto the following clauses:

- (i) prepare and review at least annually a written occupational health and safety policy and develop and maintain a program to implement that policy;
- (j) provide to the committee or to a health and safety representative the results of any report respecting occupational health and safety that is in the employer's possession and, if that report is in writing, a copy of the report; and
- (k) advise workers of the results of a report referred to in clause (j) and make available to them on request copies of any such report that is in writing.

10.—(1) Subsection 15 (1) of the said Act is amended by adding thereto the following clause:

- (ga) establish a medical surveillance program for the benefit of workers as prescribed.

(2) The said subsection 15 (1) is further amended by striking out “and” at the end of clause (h), by adding “and” at the end of clause (i) and by adding thereto the following clause:

- (j) carry out such training programs for workers, supervisors and committee members as may be prescribed.

(3) Section 15 of the said Act is amended by adding thereto the following subsection:

Idem

(3) If a worker participates in a prescribed medical surveillance program, the employer shall pay,

- (a) the worker's costs for any medical examinations and tests required by the medical surveillance program;

- (b) the worker's reasonable travel costs respecting any medical examinations and tests required by the medical surveillance program; and
- (c) the time the worker spends to undergo medical examinations and tests required by the medical surveillance program, including travel time, which shall be deemed to be work time for which the worker shall be paid by the employer at the member's regular or premium rate as may be proper.

11. Clause 17 (1) (e) of the said Act is repealed.

12. The said Act is further amended by adding thereto the following section:

18a.—(1) Before beginning a project, the owner shall determine whether any designated substances are present at the project site and shall prepare a list of all designated substances that are present at the site.

Duty of
project
owners

(2) If any work on a project is tendered, the person issuing the tenders shall include, as part of the tendering information, a copy of the list referred to in subsection (1).

Tenders

(3) An owner shall ensure that a prospective constructor of a project on the owner's property has received a copy of the list referred to in subsection (1) before entering into a binding contract with the constructor.

Idem

(4) The constructor for a project shall ensure that each prospective contractor and subcontractor for the project has received a copy of the list referred to in subsection (1) before the prospective contractor or subcontractor enters into a binding contract for the supply of work on the project.

Duty of
constructors

(5) An owner who fails to comply with this section is liable to the constructor and every contractor and subcontractor who suffers any loss or damages as the result of the subsequent discovery on the project of a designated substance that the owner ought reasonably to have known of but that was not on the list prepared under subsection (1).

Liability

(6) A constructor who fails to comply with this section is liable to every contractor and subcontractor who suffers any loss or damages as the result of the subsequent discovery on the project of a designated substance that was on the list prepared under subsection (1).

Idem

13. Section 19 of the said Act is amended by adding thereto the following subsection:

Architects
and engineers
1984, cc. 12,
13

(2) An architect as defined in the *Architects Act, 1984* and a professional engineer as defined in the *Professional Engineers Act, 1984* contravenes this Act if the architect or professional engineer gives negligent advice or certifies equipment or projects which result in a worker being endangered.

14. The said Act is further amended by adding thereto the following section:

Duties of
directors and
officers of a
corporation

19a. Every director and every officer of a corporation shall take all reasonable care to ensure that the corporation complies with,

- (a) this Act and the regulations;
- (b) orders and requirements of inspectors and Directors; and
- (c) orders of the Minister.

15.—(1) Subsection 21 (1) of the said Act is amended by striking out “or combination of such agents” in the seventh line and in the tenth line and by striking out “or combination of agents” in the eleventh line.

(2) Subsection 21 (2) of the said Act is amended by striking out “or combination of such agents” in the third line and by striking out “or combination of agents” in the tenth line.

(3) Subsection 21 (3) of the said Act is repealed and the following substituted therefor:

Interpretation

(3) For the purpose of this section, a biological or chemical agent is not considered to be new if, before a person manufactures, distributes or supplies the agent, it was used in a work place other than the person's work place or it is included in an inventory compiled or adopted by the Minister.

16. Subsection 22a (7) of the said Act, as enacted by the Statutes of Ontario, 1987, chapter 29, section 3, is repealed and the following substituted therefor:

Floor plans

(7) The employer shall keep readily accessible at the work place a floor plan, as prescribed, showing the names of all hazardous materials and their locations and shall post a notice stating where the floor plan is kept in a place or places where it is most likely to come to the attention of workers.

17.—(1) Clause 22c (1) (c) of the said Act, as enacted by the Statutes of Ontario, 1987, chapter 29, section 3, is amended by inserting after “employer” in the first line “on request or if so prescribed”.

(2) Clause 22c (1) (d) of the said Act, as enacted by the Statutes of Ontario, 1987, chapter 29, section 3, is amended by inserting after “employer” in the first line “on request or if so prescribed”.

(3) Clause 22c (1) (e) of the said Act, as enacted by the Statutes of Ontario, 1987, chapter 29, section 3, is amended by adding at the end thereof “on request or if so prescribed”.

(4) Subsection 22c (6) of the said Act, as enacted by the Statutes of Ontario, 1987, chapter 29, section 3, is repealed.

18. The heading to Part V of the said Act is repealed and the following substituted therefor:

RIGHT TO REFUSE OR TO STOP WORK
WHERE HEALTH OR SAFETY IN DANGER

19.—(1) Subsection 23 (3) of the said Act is amended by adding thereto the following clause:

(ba) the work activity the worker is required to perform is likely to endanger the worker or another worker.

(2) Subsection 23 (6) of the said Act is amended by adding thereto the following clause:

(ba) the work activity the worker is required to perform is likely to endanger the worker or another worker.

(3) Subsection 23 (8) of the said Act is amended by inserting after “thing” in the third line “work activity”.

(4) Section 23 of the said Act is amended by adding thereto the following subsection:

(13) The time that a worker spends as required by subsections (4) and (5) shall be deemed to be work time for which the employer shall pay the worker at the worker’s regular or premium rate as may be proper.

Entitlement
to be paid

20. The said Act is further amended by adding thereto the following sections:

23a.—(1) A certified member who finds that,

Certified
member may
require work
stoppage

- (a) a provision of this Act or the regulations is being contravened;
- (b) the contravention poses a danger or a hazard to a worker; and
- (c) the danger or hazard is such that any delay in controlling it will cause serious risk to a worker,

may direct the employer to stop work specifying the work or the use of any part of a work place or of any equipment, machine, device, article or thing that shall be discontinued.

Investigations
of complaints

(2) If a certified member receives a complaint that the circumstances described in clauses (1) (a), (b) and (c) exist, the certified member may investigate the complaint.

Duty of
employer

(3) An employer shall immediately comply with a direction to stop work.

Investigation

(4) An employer who receives a direction to stop work shall forthwith investigate the circumstance in the presence of the certified member.

In case of
disagreement

(5) If, after an investigation under subsection (4), the employer and the certified member disagree whether a circumstance described in clauses (1) (a) to (c) exists, either of them may notify an inspector who shall investigate and give them a decision in writing on the matter.

Work to
resume

(6) The direction to stop work may be cancelled by a certified member or by an inspector.

Restriction

(7) A direction to stop work may not be given,

- (a) in a work place where workers described in subsection 23 (1) are employed; or
- (b) in an institution, facility or service mentioned in subsection 23 (2) if the life, health or safety of any person or the public may be in imminent jeopardy.

Entitlement
to time from
work

23b. The time spent by a certified member in carrying out his or her duties under section 23a shall be deemed to be work time for which the person's employer shall pay the person at the regular or premium rate as may be proper.

Complaint
re: direction
to stop work

23c.—(1) An employer who has reasonable grounds to believe that a certified member improperly, negligently or in

bad faith exercised a power under subsection 23a (1) or (2) may file a complaint with the Agency.

(2) The Agency shall hold a hearing and make a determination respecting a complaint filed under subsection (1).

Idem

(3) The hearing shall be commenced within twenty working days of receiving the complaint.

Commencement of hearing

(4) The Agency may establish procedures for the filing and hearing of complaints under this section.

Procedures

(5) The parties to a hearing before the Agency shall be the employer, the certified member and such other persons as the Agency may specify.

Parties

(6) The Agency shall revoke the health and safety certification of a certified member who negligently or in bad faith gave a direction to stop work.

Decertification

(7) The Agency may make such order as it considers appropriate if a direction to stop work was given improperly or an investigation of a complaint was carried out improperly, negligently or in bad faith.

Improper direction

(8) The decision of the Agency is final.

Decision final

(9) If the certificate of a member is revoked by the Agency, that person is ineligible to be re-certified.

Effect of revocation

21. Subsection 24 (1) of the said Act is amended by striking out “or” where it appears the second time in the second-last line and by adding at the end thereof “or has given evidence in a proceeding in respect of the enforcement of this Act or the regulations or in an inquest under the *Coroners Act*”.

22. Subsections 26 (2) and (3) of the said Act are repealed and the following substituted therefor:

(2) If an employer is advised by or on behalf of a worker that the worker has an occupational illness or that a claim in respect of an occupational illness has been filed with the Workers’ Compensation Board by or on behalf of the worker, the employer shall give notice in writing, within four days of being so advised, to a Director, to the committee or a health and safety representative and to the trade union, if any, containing such information and particulars as may be prescribed.

Notice of occupational illness

(3) Subsection (2) applies with all necessary modifications if an employer is advised by or on behalf of a former worker

Idem

that the worker has or had an occupational illness or that a claim in respect of an occupational illness has been filed with the Workers' Compensation Board by or on behalf of the worker.

23.—(1) Clause 28 (1) (e) of the said Act is amended by striking out “or” in the second line and by inserting after “agent” in the third line “or work activity”.

(2) Subsection 28 (1) of the said Act, as amended by the Statutes of Ontario, 1987, chapter 29, section 4, is further amended by striking out “and” at the end of clause (k), by adding “and” at the end of clause (l) and by adding thereto the following clauses:

(ea) require in writing an employer to cause any tests described in clause (e) to be conducted or taken, at the expense of the employer, by a person possessing such special expert or professional knowledge or qualifications as are specified by the inspector and to provide, at the expense of the employer, a report or assessment by that person;

.

(ia) require in writing an employer to have equipment, machinery or devices tested, at the expense of the employer, by a professional engineer and to provide, at the expense of the employer, a report bearing the seal and signature of the professional engineer stating that the equipment, machine or device is not likely to endanger a worker;

(ib) require in writing that any equipment, machinery or device not be used pending testing described in clause (ia);

.

(m) require the production of any materials concerning the content, frequency and manner of instruction of any training program and inspect, examine and copy the materials and attend any such program.

24. The said Act is further amended by adding thereto the following sections:

Order for
inspections

28a. Subject to subsection 8 (8c), an inspector may in writing direct a health and safety representative or a member

designated under subsection 8 (8) to inspect the physical condition of all or part of a work place at specified intervals.

28b.—(1) An inspector may, in the course of inspecting a work place, seize and carry away any document or thing that the inspector considers affords evidence as to the commission of an offence under this Act.

Seizure of documents or things

(2) Nothing shall be detained by an inspector under subsection (1) for a period of more than three months after the time of seizure unless,

Time limit for detention

(a) upon an application under subsection 143 (2) of the *Provincial Offences Act*, a justice orders its further detention; or

R.S.O. 1980, c. 400

(b) proceedings are instituted in which the document or thing detained may be required.

(3) Subsections 143 (1), (3) and (4) of the *Provincial Offences Act* apply with respect to the detained document or thing with such modifications as the circumstances require.

Application of R.S.O. 1980, c. 400, s. 143 (1, 3, 4)

25.—(1) Section 29 of the said Act, as amended by the Statutes of Ontario, 1987, chapter 29, section 5, is further amended by adding thereto the following subsection:

(3a) An order made under subsection (1) may require a constructor or an employer to submit a compliance plan to the Ministry specifying what the constructor or employer intends to do to comply with the order and when the constructor or employer intends to achieve compliance and the compliance plan shall be prepared in the manner and include such items as are required by the order.

Compliance plan

(2) Clause 29 (4) (a) of the said Act is amended by inserting after “used” in the third line “or any work activity shall not be performed”.

(3) Clause 29 (4) (b) of the said Act is repealed and the following substituted therefor:

(b) order that work at the work place as indicated in the order shall stop until the order to stop work is withdrawn or cancelled by an inspector after an inspection.

(4) The said section 29, as amended by the Statutes of Ontario, 1987, chapter 29, section 5, is further amended by

renumbering subsection (4a) as subsection (4b) and by adding thereto the following subsection:

Resumption
of work
pending
inspection

(4a) Notwithstanding clause (4) (b), a constructor or an employer who gives notice to an inspector of compliance with an order made under subsection (4) may resume work pending an inspection and decision by an inspector respecting compliance with the order if, before the resumption of work, a committee member representing workers or a health and safety representative, as the case may be, advises an inspector that in his or her opinion the order has been complied with.

26. The said Act is further amended by adding thereto the following section:

Notice of
compliance

30a.—(1) Within three days after a constructor or employer who has received an order under section 29 believes that compliance with the order has been achieved, the constructor or employer shall submit to the Ministry a notice of compliance.

Idem

(2) The notice shall be signed by the constructor or employer and shall be accompanied by,

- (a) a statement of agreement or disagreement with the contents of the notice, signed by a member of the committee representing workers or by a health and safety representative, as the case may be; or
- (b) a statement that the member or representative has declined to sign the statement referred to in clause (a).

Idem

(3) The constructor or employer shall post the notice and the order issued under section 29 for a period of fourteen days following its submission to the Ministry in a place or places in the work place where it is most likely to come to the attention of workers.

Compliance
achieved

(4) Notwithstanding the submission of a notice of compliance, a constructor or employer achieves compliance with an order under section 29 when an inspector determines that compliance has been achieved.

27. Section 34 of the said Act, as amended by the Statutes of Ontario, 1987, chapter 29, section 6 and 1988, chapter 58, section 5, is further amended by adding thereto the following subsection:

(1a) No employer shall seek to gain access, except by an order of a court or other tribunal, to a health record concerning a worker without the worker's written consent.

Employer
access to
health
records

28. Subsection 36 (1) of the said Act is amended by inserting after "Ministry" in the third line "a person who acts as an advisor for the Ministry, the directors, executive director and employees of the Agency".

29. Section 37 of the said Act is amended by adding thereto the following subsection:

(1a) If a corporation is convicted of an offence under subsection (1), the maximum fine that may be imposed upon the corporation is \$500,000 and not as provided therein.

Idem

30. Subsection 38 (1) of the said Act is amended by striking out "or" at the end of clause (b), by adding "or" at the end of clause (c) and by adding thereto the following clause:

- (d) a document purporting to certify the result of a test or an analysis of any equipment, machine, device, article, thing or substance and purporting to be certified by an inspector,

.

31. Section 39 of the said Act is amended by adding thereto the following subsection:

(2) The Attorney General or an agent for the Attorney General may by notice to the clerk of the court having jurisdiction in respect of an offence under this Act require that a provincial judge preside over the proceeding.

Provincial
judge
required

32. Subsection 41 (2) of the said Act, as amended by the Statutes of Ontario, 1987, chapter 29, section 7 and 1988, chapter 58, section 6, is further amended by adding thereto the following paragraphs:

- 8a. prescribing classes of work places for which and circumstances under which a committee shall consist of more than four persons and in each case prescribing the number of persons;
- 8b. prescribing employers or work places or classes thereof for the purposes of clause 8 (1) (b);
- 8c. exempting any work place, industry, activity, business, work, trade occupation, profession, construc-

tor or employer or any class thereof from the application of subsection 8 (2);

- 8d. respecting the conditions for eligibility, qualifications, selection and term of committee members, including certified members, and the operation of the committee;
- 8e. exempting any class of work places from the requirement set out in subsection 8 (5f);
- 8f. prescribing occupational health and safety medical clinics, safety and accident prevention associations and occupational health and safety training centres for the purposes of clauses 10 (7) (k), (l) and (m);

.

- 10a. prescribing classes of employers who shall establish and maintain a medical surveillance program in which workers may volunteer to participate;
- 10b. governing medical surveillance programs;

.

- 21a. prescribing training programs that employers shall provide;
- 21b. increasing the number of certified members required on a committee;
- 21c. prescribing floor plans for the purposes of subsection 22a (7);
- 21d. exempting any class of work places from any provision set out in section 23a;

.

- 29. prescribing by class of employer the intervals at which a health and safety representative or a committee member designated under subsection 8 (8) shall inspect all or part of a work place;
- 30. establishing criteria for determining, for the purpose of section 25, whether a person is critically injured.

33.—(1) Section 91 of the *Workers' Compensation Act*, being chapter 539 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following subsection:

(6a) The Board may take into account recommendations made by the Workplace Health and Safety Agency established under the *Occupational Health and Safety Act* in reaching its opinion under subsection (4) or (6). Recommendations
R.S.O. 1980,
c. 321

(2) Section 123 of the said Act is repealed and the following substituted therefor:

123.—(1) The employers in any class of farm-related activity may, with the approval and under the control of the Board, form themselves into an association for the purpose of education in accident prevention. Accident
prevention
associations

(2) If the Board is of opinion that an association so formed sufficiently represents the employers included in the class, the Board may approve rules of operation and, when approved by the Board and by the Lieutenant Governor in Council, they are binding on all the employers included in the class. Rules of
operation

(3) Where an association under the authority of its rules of operation appoints an inspector or an expert for the purpose of education in accident prevention, the Board may pay the whole or any part of the salary or remuneration of such inspector or expert out of the accident fund or out of that part of it that is at the credit of any one or more of the classes as the Board considers just. Inspectors

(4) The Board may, in any case that it considers proper, make a grant towards the expenses of any such association. Expenses of
associations

(5) Any moneys paid by the Board under this section shall be charged against the class represented by such association and levied as part of the assessment against such class. Where
charged

(6) The word "class" in this section includes subclass or such part of a class or such number of classes or parts of classes as may be approved by the Board. Definition
"catégorie"

34. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor. Commence-
ment

35. The short title of this Act is the *Occupational Health and Safety Statute Law Amendment Act, 1989*. Short title

Government
Publications

Bill 208



An Act to amend the Occupational Health and Safety Act and the Workers' Compensation Act

The Hon. G. Phillips
Minister of Labour

1st Reading January 24th, 1989
2nd Reading October 23rd, 1989
3rd Reading
Royal Assent

*Continued from the 1st Session by an Order of the
Legislative Assembly of March 2nd, 1989.*

(Reprinted as amended by the Committee of the Whole House)

EXPLANATORY NOTES

SECTION 1.—Subsection 1. These definitions relate to the Workplace Health and Safety Agency, the occupational health and safety adjudicator and the specially trained certified members of the health and safety committees established by proposed sections 10 and 23a of the Act.

Subsection 2. The definition of “constructor” is amended to clarify that works and undertakings underground in a mine are not governed by the construction regulations.

Subsection 3. Under the amendment, a “licensee” (a person holding a logging licence under the *Crown Timber Act*) will be subject to specified duties under the Act.

Subsection 4. The definition of “logging” is amended to include the maintenance of haul roads, scarification, carrying out of planned burns and silviculture.

Subsection 5. “Mining developments” are taken out of the definition of “project” in order to clarify that mining developments are governed by the mining regulations and not the construction regulations.

Subsection 6. A ship under construction or under repair will be treated as a project and will be subject to the provisions of the Act and the regulations that relate to construction projects. An owner does not become a constructor by virtue only of the fact that the owner has engaged an architect, professional engineer or other person solely to oversee the quality control at a project.

SECTION 2. This amendment provides that certain sections of the Act apply to self-employed persons.

SECTION 3. The amendments to section 7 of the Act will require a constructor at a project or an employer at any other work place, where a joint health and safety committee is not required, to cause the selection of a health and safety representative when the number of workers at the project or other work place regularly exceeds five.

The representative is required to inspect at least part of physical condition of at least part of the work place at least once a month.

The representative’s powers are expanded to include the right to obtain information from the employer concerning testing, to be consulted concerning such tests and to be present at the beginning of certain types of tests.

SECTION 4.—Subsection 1. Clause 8 (1) (b) of the Act now contains specific exemptions from the requirement that a joint health and safety committee be established. The exemption for construction projects will be limited to projects which are anticipated to last less than three months. The amendments will remove these exemptions and authorize the Lieutenant Governor in Council to make regulations exempting classes of employers or work places.

Subsections 2 and 3. Necessary amendments are made to section 8 to reflect the fact that this section now applies to constructors as well as employers subject to the exemptions set out in subsection (1).

Subsection 4. The minimum size of a committee is changed from two to four persons, or such greater number as may be prescribed, if there are more than fifty workers in the work place. It is clarified that, to the extent possible, representatives are required to be from the work place. Committees are required to have co-chairpersons, one of whom represents workers and the other of whom represents the employer.

Subsection 5. At least one committee member representing the employer and one representing workers will be required to be a certified member. Only one certified member

representing the employer and one representing workers shall be designated to exercise the powers and perform the duties of a certified member on the committee.

Subsections 6 to 8. The frequency of inspections can be changed by an order of an inspector or by regulation. If possible, the inspection is to be done by a certified member of the committee. The constructor, employer and workers are to provide assistance necessary for the health and safety inspections to be done. The member shall advise the committee of health and safety concerns and the committee is required to consider the information.

Subsection 9. The proposed amendment would require that the committee member be given at least one hour of paid time to prepare for each committee meeting. Committee members are to be paid while fulfilling the requirements to become certified.

SECTION 5. The proposed section 8a of the Act will require the committee at certain construction projects to set up a worker trades committee. The worker trades committee is to inform the construction project committee of the health and safety concerns of the workers of the trades. The time spent by the members of the trades committee attending meetings is to be work time for which the worker is paid, up to a maximum number of hours established by the construction project committee.

The proposed section 8b expands the powers of a committee or a health and safety representative at a workplace to include the right to obtain information from the employer concerning industrial hygiene testing, to be consulted concerning such tests and to be present at the beginning of certain types of tests.

SECTION 6. This amendment will create a Workplace Health and Safety Agency. The Agency will have a board of directors appointed by the Lieutenant Governor in Council. The Lieutenant Governor in Council will also have the power to appoint an executive director, in consultation with the board of directors, who will be a non-voting member of the board. The executive director is to carry out the directions of the board and to be responsible for the day to day operations of the Agency and may hire employees and consultants.

SECTION 7. The powers of the Agency are set out in the proposed section 10c. If the Agency fails to fulfil any of its functions, the Minister may intervene. The board of directors may delegate the Agency's powers and duties to employees of the Agency.

SECTION 8. The Workers' Compensation Board is to transfer annually to the Agency an amount, subject to certain limitations, determined by the Lieutenant Governor in Council from funds levied by the Board in respect of occupational health and safety related matters.

SECTION 9. Safety Associations formed under section 123 of the *Workers' Compensation Act* are transferred to the Agency, except for the Farm Safety Association which may be transferred by regulation at a later date.

SECTION 10. The Lieutenant Governor in Council may appoint an occupational health and safety adjudicator.

SECTION 11. Necessary amendment to reflect other changes.

SECTION 12. Necessary amendment to reflect other changes.

SECTION 13. The duties of licensees are specified.

SECTION 14. This section adds to the duties imposed on an employer to maintain and provide a written occupational health and safety policy and to provide copies of certain types of reports.

SECTION 15. The employer will have further duties to establish a medical surveillance program for the benefit of workers as prescribed, to provide for safety-related medical examinations and tests and to carry out such training programs for workers, supervisors and committee members as prescribed.

Employers will be required to pay the worker's costs for the worker's participation in the employer's medical surveillance program, including reasonable travel expenses.

SECTION 16. The requirement for workers to undergo medical tests or examinations where prescribed is revoked. Worker consent is required for participation in a medical surveillance program.

SECTION 17. In the proposed section 18a, owners of property where construction work is carried out will be required to provide to prospective constructors as part of the tendering process, and, in any event, before entering into a binding contract with the constructor, a list of all designated substances that are present on the project site. Similarly, constructors will be required to ensure that prospective contractors and subcontractors are provided with such a list as part of the tendering process, and, in any event, before entering a binding contract. Owners and constructors who fail to comply with this provision will be liable to the person to whom the information should have been provided for any loss or damage.

SECTION 18. Architects and professional engineers will now be in contravention of the Act if they give advice or certify equipment or a project negligently or incompetently, and if the result is that a worker is endangered.

SECTION 19. Under the proposed section 19a, directors and officers of corporations will be required to take all reasonable care to ensure that the Act and regulations and orders under them are complied with.

SECTION 20. Self-explanatory.

SECTION 21. The amendment will remove the requirement to file a floor plan showing the location of all hazardous materials. Instead the employer will be required to keep the floor plan in an accessible place in the work place and to post a notice of its location.

SECTION 22. The Act presently requires an employer to provide an inventory of all hazardous materials in the work place and their material safety data sheets to the medical officer of health for the area, the local fire department and a Director. The proposed amendment will require that the inventory and material safety data sheets be provided to such persons only upon request or if so required by regulation.

SECTION 23. Necessary amendment to reflect other changes.

SECTION 24.—Subsection 1. Under the current Act, certain public sector workers do not have the right to refuse to work in the circumstances described in section 23. The proposed amendment will restrict the circumstances in which the public sector workers do not have the right to refuse work.


Subsection 2. The proposed amendment provides that the time spent by a worker fulfilling his or her duties under section 23 of the Act is work time for which the worker is to be paid.

SECTION 25. Under the proposed section 23b, a certified member who believes that dangerous circumstances exist may request that the supervisor and, subsequently, another certified member investigate. If both certified members conclude that dangerous circumstances exist, they may direct the constructor or employer to stop the work or the use of equipment or a machine. If the certified members do not agree whether dangerous circumstances exist, they may request that an inspector investigate and the inspector shall decide whether dangerous circumstances exist.

The constructor or employer is to comply with the direction to stop work immediately. A direction to stop work may be cancelled by the certified members or by an inspector.

If a certified member or an inspector believes that the process set out in section 23b will not protect a constructor's or an employer's workers, either of them may apply under proposed section 23c to an adjudicator for a declaration or a recommendation. The adjudicator may declare that unilateral work stoppage procedures apply with respect to the constructor or employer. The adjudicator may recommend to the Minister that an inspector be assigned to the work place of the constructor or the employer.

Proposed section 23d describes the unilateral work stoppage process. If a certified member finds that dangerous circumstances exist, he or she may direct the constructor or employer to stop the work or the use of equipment or a machine. The employer is to comply with the direction to stop work immediately and is to investigate the circumstance in the presence of the certified member. A direction to stop work may be cancelled by the certified member or by an inspector.


Under proposed section 23f, a person may file a complaint with the adjudicator if the person believes that a certified member recklessly or in bad faith exercised or failed to exercise his or her powers under section 23b or 23d. The adjudicator may, among other things, decertify a certified member under this section. The decision of the adjudicator is final. 

SECTION 26. The protection to workers against reprisals by their employers is extended to include a prohibition against reprisals to a worker who has given testimony in a proceeding under the Act or under the *Coroners Act*.


SECTION 27. This amendment provides that an employer must give notice to a Director and the committee, the health and safety representative and the trade union, if any, when a claim in respect of an occupational illness has been filed with the Workers' Compensation Board.

SECTION 28. This section expands an inspector's powers to require an employer to cause tests to be conducted, by the appropriate experts, at the employer's expense and to provide reports of them, to require an employer not to allow equipment to be used pending testing, and to require the production of materials concerning the content of training programs.

SECTION 29. Under the proposed section 28a, an inspector may order an inspection frequency of a work place different from that set out in the Act.

Under the proposed section 28b, the powers of an inspector are increased to allow the inspector to seize documents and things to be used as evidence in a prosecution under the Act. 

SECTION 30. The amendments to section 29 authorize an inspector to provide in an order for compliance that a constructor, licensee or employer prepare and submit a compliance plan detailing how and when the constructor, licensee or employer proposes to comply with the order.

A stop work order would now remain in effect until the inspector has withdrawn or cancelled it following an inspection. However, the constructor, licensee or employer will be able to resume work pending the inspection if the constructor, licensee or employer has given notice of compliance to an inspector and a committee member representing workers or a health and safety representative advises an inspector that he or she agrees that the order has been complied with. 

SECTION 31. The proposed section 30a provides that a constructor or an employer shall submit to the Ministry written notice of compliance within three days of the time the constructor or the employer believes compliance has been achieved. The notice is to

be accompanied by a statement of a committee member representing workers or a health and safety representative agreeing or disagreeing with the constructor's or the employer's view or a statement that the member or representative declines to make such a statement. The notice of compliance is to be posted along with the order in a conspicuous place in the work place for fourteen days following its submission. The section also provides that the final determination of whether compliance has been achieved is left to an inspector.

SECTION 32. Appeals from decisions of inspectors will be determined by the adjudicator.

SECTION 33. The proposed subsection 34 (1a) provides for the confidentiality of worker's health records.

SECTION 34. The protection in the Act against actions for damages is extended to persons who act as advisors for the Ministry, the directors, executive director and employees of the Agency, specified worker representatives and employees of organizations funded by the Agency.

SECTION 35. The maximum fine for a corporation convicted of an offence under the Act is increased from \$25,000 to \$500,000.

SECTION 36. This amendment allows the admission of a certificate of analysis of a test or analysis of equipment or things as evidence in a proceeding under the Act without requiring the strict proof of the signature or official character of the document.

SECTION 37. The Attorney General or an agent of the Attorney General is given the right to require that a trial of an offence under the Act be presided over by a provincial court judge rather than a justice of the peace.

SECTION 38. The regulation-making powers are increased to reflect the changes to the Act made by this Bill.

SECTION 39.—Subsections 1 and 2. The proposed amendments are consequential to the transfer of responsibility for certain health and safety associations from the Workers' Compensation Board to the Agency. The employees of associations funded by the Agency remain members of the Workers' Compensation Board pension plan until a date to be named by proclamation.

Subsection 3. The proposed amendment to section 91 of the *Workers' Compensation Act* enables the Workers' Compensation Board to take into account recommendations received from the Agency respecting the increasing or decreasing of contributions under subsections 91 (4) and (6).

Subsection 4. Section 123 of the *Workers' Compensation Act* is re-enacted to continue the provisions of that section with respect only to the farm-related safety associations.

SECTION 40. The proposed section provides for a review of the Agency and of the rules governing work stoppage, three years after the section comes into force.

Bill 208

1989

**An Act to amend the
Occupational Health and Safety Act
and the Workers' Compensation Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Section 1 of the *Occupational Health and Safety Act*, being chapter 321 of the Revised Statutes of Ontario, 1980, as amended by the Statutes of Ontario, 1986, chapter 64, section 44 and 1987, chapter 29, section 1, is further amended by re-numbering paragraph 1 as paragraph 1b and by adding thereto the following paragraphs:

1. “adjudicator” means the occupational health and safety adjudicator appointed under subsection 10g (1);
- 1a. “Agency” means the Workplace Health and Safety Agency established under section 10;
- 1aa. “certified member” means a committee member who is certified by the Agency under clause 10c (1) (c).

(2) Paragraph 3 of the said section 1 is amended by adding at the end thereof “but does not include any work or undertaking underground in a mine”.

(3) The said section 1 is further amended by adding thereto the following paragraph:

- 14a. “licensee” means a person who holds a logging licence under the *Crown Timber Act*.

R.S.O. 1980,
c. 109

(4) Paragraph 15 of the said section 1 is amended by inserting after “logs” in the fourth line “the maintenance of haul roads, scarification, the carrying out of planned burns, the practice of silviculture”.

(5) Subparagraph ii of paragraph 23 of the said section 1 is repealed.

(6) The said section 1 is further amended by adding thereto the following subsections:

Ship under
repair

(2) For the purposes of this Act and the regulations, a ship being manufactured or under repair shall be deemed to be a project.

Limitation

(3) An owner does not become a constructor by virtue only of the fact that the owner has engaged an architect, professional engineer or other person solely to oversee quality control at a project.

2. The said Act is amended by adding thereto the following section:

Self-
employed
persons

3a. Subsections 14 (1), clauses 15 (1) (c), (e), (f) and (g), subsection 20 (1) and sections 21, 22a, 22b, 22c, 22d, 22e, 22f, 25, 26, 28, 29, 29a, 30a, 31, 32, 33, 37, 38, 39 and 40, and the regulations in relation thereto, apply with necessary modifications to a self-employed person.

3.—(1) Subsections 7 (1) and (2) of the said Act are repealed and the following substituted therefor:

Mandatory
selection of
health and
safety
representative

(1) At a project or other work place where no committee is required under section 8 and where the number of workers regularly exceeds five, the constructor or employer shall cause the workers to select at least one health and safety representative from among the workers at the work place who do not exercise managerial functions.

Order
appointing
health and
safety
represent-
atives

(2) If no health and safety representative is required under subsection (1) and no committee is required under section 8 for a work place, the Minister may, by order in writing, require a constructor or employer to cause the workers to select one or more health and safety representatives from among the workers at the work place or part thereof who do not exercise managerial functions, and may provide in the order for the qualifications of such representatives.

(2) Subsection 7 (6) of the said Act is repealed and the following substituted therefor:

Inspections

(6) Unless otherwise required by the regulations or by an order by an inspector, a health and safety representative shall inspect the physical condition of the work place at least once a month.

(6a) If it is not practical to inspect the work place at least once a month, the health and safety representative shall inspect the physical condition of the work place at least once a year, inspecting at least a part of the work place in each month. Idem

(6b) The inspection required by subsection (6a) shall be undertaken in accordance with a schedule agreed upon by the constructor or employer and the health and safety representative. Schedule of inspections

(6c) The constructor, employer and workers shall provide a health and safety representative with such information and assistance as the member may require for the purpose of carrying out an inspection of the work place. Inspections

(3) Section 7 of the said Act is amended by adding thereto the following subsections:

(7a) A health and safety representative has the power, Powers of representative

- (a) to obtain information from the constructor or employer concerning the conducting or taking of tests of any equipment, machine, device, article, thing, material or biological, chemical or physical agent in or about a work place for the purpose of occupational health and safety;
- (b) to be consulted about, and be present at the beginning of, testing referred to in clause (a) conducted in or about the work place if the representative believes his or her presence is required to ensure that valid testing procedures are used or to ensure that the test results are valid; and
- (c) to obtain information from the constructor or employer respecting,
 - (i) the identification of potential or existing hazards of materials, processes or equipment, and
 - (ii) health and safety experience and work practices and standards in similar or other industries of which the constructor or employer has knowledge.

(7b) A constructor or employer who receives written recommendations from a health and safety representative shall respond in writing within twenty-one days. Response to recommendations

Idem

(7c) A response of a constructor or employer under subsection (7b) shall contain a timetable for implementing the recommendations the constructor or employer agrees with and give reasons that the constructor or employer disagrees with any recommendations that the constructor or employer does not accept.

(4) Subsection 7 (10) of the said Act is amended by striking out “subsections (6), (7) and (8)” in the eighth line and inserting in lieu thereof “this section”.

4.—(1) Subsection 8 (1) of the said Act is repealed and the following substituted therefor:

Application

(1) Subject to subsection (3), this section does not apply,

- (a) to a constructor at a project at which work is expected to last less than three months; or
- (b) to a prescribed employer or work place or class of employers or work places.

(2) Subsection 8 (2) of the said Act is repealed and the following substituted therefor:

Joint health and safety committee


(2) A joint health and safety committee is required,

- (a) at a work place at which twenty or more workers are regularly employed;
- (b) at a work place with respect to which an order to an employer is in effect under section 20; or
- (c) at a work place, other than a construction project where fewer than twenty workers are regularly employed, with respect to which a regulation concerning designated substances applies.

(3) Section 8 of the said Act is amended by adding thereto the following subsection:

Establishment of committee

(3a) The constructor or employer shall cause a joint health and safety committee to be established and maintained at the work place unless the Minister is satisfied that a committee of like nature or an arrangement, program or system in which the workers participate is, on the date this Act comes into force, established and maintained pursuant to a collective agreement or other agreement or arrangement and that such committee, arrangement, program or system provides benefits for the health and safety of the workers equal to, or greater

than, the benefits to be derived under a committee established under this section. 

(4) Subsection 8 (5) of the said Act is repealed and the following substituted therefor:

(5) A committee shall consist of,

Composition
of committee

- (a) at least two persons, for a work place where fewer than fifty workers are regularly employed; or
- (b) at least four persons or such greater number of people as may be prescribed, for a work place where fifty or more workers are regularly employed.

(5a) At least half the members of a committee shall be workers employed at the work place who do not exercise managerial functions. Idem

(5b) The members of a committee who represent workers shall be selected by the workers they are to represent or, if a trade union or unions represent the workers, by the trade union or unions. Selection of
members

(5c) The constructor or employer shall select the remaining members of a committee from among persons who exercise managerial functions for the constructor or employer and, to the extent possible, who do so at the work place. Idem

(5d) A member of the committee who ceases to be employed at the work place ceases to be a member of the committee. Requirement
for
committee
membership

(5e) Two of the members of a committee shall co-chair the committee, one of whom shall be selected by the members who represent workers and the other of whom shall be selected by the members who exercise managerial functions. Committee to
be co-chaired

(5) Section 8 of the said Act is further amended by adding thereto the following subsections:

(5f) Unless otherwise prescribed, a constructor or employer shall ensure that at least one member of the committee representing the constructor or employer and at least one member representing workers are certified members. Certification
requirement

(5g) Subsection (5f) does not apply with respect to a project where fewer than fifty workers are regularly employed or that is expected to last less than three months. Idem

Designation
of member
to be
certified

(5h) If no member representing workers is a certified member, the workers or the trade unions who selected the members representing workers shall select from among them one or more who are to become certified.

Designation
of certified
members

(5i) If there is more than one certified member representing workers, the workers or the trade unions who selected the members representing workers shall designate one or more certified members who then become solely entitled to exercise the rights and required to perform the duties under this Act of a certified member representing workers.

Idem

(5j) If there is more than one certified member representing the constructor or employer, the constructor or employer shall designate one or more of them who then become solely entitled to exercise the rights and required to perform the duties under this Act of a certified member representing a constructor or an employer.

Replacement
of certified
member

(5k) If a certified member resigns or is unable to act, the constructor or employer shall, within a reasonable time, take all steps necessary to ensure that the requirement set out in subsection (5f) is met.

(6) Subsection 8 (6) of the said Act is amended by striking out “and” at the end of clause (c) and by adding thereto the following clauses:

- (e) obtain information from the constructor or employer concerning the conducting or taking of tests of any equipment, machine, device, article, thing, material or biological, chemical or physical agent in or about a work place for the purpose of occupational health and safety; and
- (f) be consulted about, and have a designated member representing workers be present at the beginning of, testing referred to in clause (e) conducted in or about the work place if the designated member believes his or her presence is required to ensure that valid testing procedures are used or to ensure that the test results are valid.

(7) Section 8 of the said Act is further amended by adding thereto the following subsections:

Idem

(6a) The members of the committee who represent workers shall designate one of them who is entitled to be present at the beginning of testing described in clause (6) (f).

(6b) A constructor or employer who receives written recommendations from a committee shall respond in writing within twenty-one days. Response to recommendations

(6c) A response of a constructor or employer under subsection (6b) shall contain a timetable for implementing the recommendations the constructor or employer agrees with and give reasons that the constructor or employer disagrees with any recommendations that the constructor or employer does not accept. Idem

(8) Subsection 8 (8) of the said Act is repealed and the following substituted therefor:

(8) Subject to subsection (8a), the members of a committee who represent workers shall designate a member representing workers to inspect the physical condition of the work place. Inspections

(8a) If possible, the member designated under subsection (8) shall be a certified member. Idem

(8b) The members of a committee are not required to designate the same member to perform all inspections or to perform all of a particular inspection. Idem

(8c) Unless otherwise required by the regulations or by an order by an inspector, a member designated under subsection (8) shall inspect the physical condition of the work place at least once a month. Idem

(8d) If it is not practical to inspect the work place at least once a month, the member designated under subsection (8) shall inspect the physical condition of the work place at least once a year, inspecting at least a part of the work place in each month. Idem

(8e) The inspection required by subsection (8d) shall be undertaken in accordance with a schedule established by the committee. Schedule of inspections

(8f) The constructor, employer and the workers shall provide a member designated under subsection (8) with such information and assistance as the member may require for the purpose of carrying out an inspection of the work place. Inspections

(8g) The member shall inform the committee of situations that may be a source of danger or hazard to workers and the committee shall consider such information within a reasonable period of time. Information reported to the committee

(9) Subsection 8 (12) of the said Act is repealed and the following substituted therefor:

Entitlement
to time from
work

(12) A member of a committee is entitled to,

- (a) one hour or such longer period of time as the committee determines is necessary to prepare for each committee meeting;
- (b) such time as is necessary to attend meetings of the committee; and
- (c) such time as is necessary to carry out the member's duties under subsections (8c), (8d) and (9).

Entitlement
to be paid

(12a) A member of a committee shall be deemed to be at work during the times described in subsection (12) and the member's employer shall pay the member for those times at the member's regular or premium rate as may be proper.

Idem

(12b) A member of a committee shall be deemed to be at work while the member is fulfilling the requirements for becoming certified by the Agency and the member's employer shall pay the member for the time spent at the member's regular or premium rate as may be proper.

Exception

(12c) Subsection (12b) does not apply with respect to workers who are paid by the Agency for the time spent fulfilling the requirements for becoming certified.

(10) Subsection 8 (14) of the said Act is amended by inserting after "by" in the third line "a constructor or" and by inserting after "consulting" in the fourth line "the constructor or".

5. The said Act is further amended by adding thereto the following sections:

Worker
trades
committee

8a.—(1) If a committee is required at a project, other than a project where fewer than fifty workers are regularly employed or that is expected to last less than three months, the committee shall establish a worker trades committee for the project.

Committee
membership

(2) The members of a worker trades committee shall represent workers employed in each of the trades at the work place.

Selection of
members

(3) The members of a worker trades committee shall be selected by the workers employed in the trades the members

are to represent or, if a trade union represents the workers, by the trade union.

(4) It is the function of a worker trades committee to inform the committee at the work place of the health and safety concerns of the workers employed in the trades at the work place.

Function of worker trades committee

(5) Subject to subsection (6), a member of a worker trades committee is entitled to such time from work as is necessary to attend meetings of the worker trades committee and the time so spent shall be deemed to be work time for which the member shall be paid by the employer at the member's regular or premium rate as may be proper.

Entitlement to time from work

(6) The committee for a work place shall determine the maximum amount of time for which members of a worker trades committee for the work place are entitled to be paid under subsection (5) for each meeting of the worker trades committee.

Committee to determine maximum entitlement

8b.—(1) The constructor or employer at a work place shall consult a health and safety representative or the committee with respect to proposed testing strategies for investigating industrial hygiene at the work place.

Consultation on industrial hygiene testing

(2) The constructor or employer shall provide information to a health and safety representative or the committee concerning testing strategies to be used to investigate industrial hygiene at the work place.

Information

(3) A health and safety representative or a designated committee member representing workers at a work place is entitled to be present at the beginning of testing conducted with respect to industrial hygiene at the work place if the representative or member believes his or her presence is required to ensure that valid testing procedures are used or to ensure that the test results are valid.

Attendance at testing

(4) The committee members representing workers shall designate one of them for the purpose of subsection (3).

Designation of member

6. Section 10 of the said Act is repealed and the following substituted therefor:

10.—(1) An agency to be known as the Workplace Health and Safety Agency is established.

Workplace Health and Safety Agency

Board of
directors

(2) The Agency is composed of a board of directors, appointed by the Lieutenant Governor in Council, consisting of,

- (a) one chair, selected in accordance with subsection (3);
- (b) two full-time vice-chairs, one of whom represents management and one of whom represents labour;
- (c) twelve part-time members, six of whom represent management, six of whom represent labour;
- (d) four additional part-time members who are health and safety professionals, two selected in consultation with representatives of management and two selected in consultation with representatives of labour; and
- (e) the executive director of the Agency, selected in consultation with the other members of the board.

Chair

(3) The chair shall be a candidate recommended by the Minister and selected from a list of candidates provided jointly by the vice-chairs.

Idem

(4) The vice-chairs shall provide the Minister with a list of candidates for chair.

Idem

(5) If the position of chair is vacant, the vice-chairs shall jointly act as chair until the vacancy is filled.

Non-voting
members

(6) The chair and the executive director are non-voting members of the board.

Procedure

(7) The board may make rules governing its procedure.

Remunera-
tion and
expenses

(8) The members of the board shall be paid such remuneration and expenses as the Lieutenant Governor in Council determines.

Executive
director

10a.—(1) The executive director of the Agency shall manage the operations of the Agency in accordance with the directions of the board of directors.

Staff and
consultants

(2) The executive director may appoint such employees and retain such other persons to provide professional, technical or other assistance to the Agency as are required for the purposes of the Agency.

(3) The *Public Service Act* does not apply with respect to employees of the Agency.

Non-application of R.S.O. 1980, c. 418

(4) The Agency shall be deemed to have been designated by the Lieutenant Governor in Council under the *Public Service Pension Act, 1989* as one whose employees are required to be members of the Public Service Pension Plan.

Pension plan 1989, c. 73

10b.—(1) The Agency shall file with the Minister not later than the 1st day of June in each year an annual report upon the affairs of the Agency.

Annual report

(2) The accounts of the Agency shall be audited annually.

Annual audit

7. The said Act is further amended by adding thereto the following sections:

10c.—(1) The functions of the Agency are, and it has the power,

Agency functions

- (a) to develop requirements for the certification of members of committees and other workers;
- (b) to establish and administer, in accordance with the requirements of the Minister, the certification process including the training requirements of members of committees and other workers;
- (c) to certify persons according to requirements established under this Act and standards developed by the Agency;
- (d) to develop and deliver educational and training programs, purchase programs from other institutions and contribute to the development of safety programs by other institutions;
- (e) to make grants or provide funds, or both, for the purposes described in clause (d);
- (f) to promote public awareness of occupational health and safety;
- (g) to provide funding for occupational health and safety research;
- (h) to develop standards for first aid training and education and provide funding for first aid training;

- (i) to develop requirements for the accreditation of employers who operate successful health and safety programs and policies;
- (j) to accredit and revoke the accreditation of employers according to the standards developed by the Agency;
- (k) to advise the Workers' Compensation Board if accredited employers operate in such a manner as to reduce the hazard to workers in the work place;
- (l) to advise the Workers' Compensation Board if employers fail to take sufficient precaution for the prevention of hazards to workers;
- (m) to advise the Minister on matters related to occupational health and safety which may be brought to its attention or be referred to it;
- (n) to oversee the operation of,
 - (i) such occupational health and safety medical clinics as may be designated by regulation,
 - (ii) such safety and accident prevention associations as may be designated by regulation, and
 - (iii) such occupational health and safety training centres as may be designated by regulation;
- (o) to make grants or provide funds, or both, to the organizations referred to in clause (n);
- (p) to provide programs and services for a fee.

Directions to
organizations

(2) The Agency may give directions to the governing body of an organization referred to in clause (1) (n) and the governing body shall comply with the directions.

Funding for
associations

(3) The Agency shall not make a grant or provide funds to an organization referred to in subclause (1) (n) (ii) if a person designated by the Minister advises the Agency that the governing body of the organization does not, in his or her opinion, have an equal number of representatives of management and of workers employed in the sector represented by the organization.

Funding for
training
centres

(4) The Agency shall not make a grant or provide funds to an organization referred to in subclause (1) (n) (iii) if a person

designated by the Minister advises the Agency that the governing body of the organization does not, in his or her opinion, have an equal number of representatives of management and of workers.

(5) Subsections (3) and (4) come into force two years after the date on which this section comes into force. Commence-
ment

(6) The Agency shall make payments to persons regularly employed in the construction industry, other than persons who may become members of a committee who represent management, in respect of the time spent fulfilling the requirements for becoming certified by the Agency. Funding re
construction
workers

(7) The Agency shall establish a small business advisory committee, composed of an equal number of representatives of management and of workers in the small business community. Small
business
advisory
committee

(8) If the Agency fails to fulfil any of its functions and the Minister determines that there is a significant public interest at stake, the Minister may take whatever steps are necessary to ensure that the functions are fulfilled. Resolution
by Minister

(9) The board of directors may delegate in writing any of the Agency's powers or duties to an employee of the Agency who may act in the place of the Agency. Delegation

8. The said Act is further amended by adding thereto the following section:

10d.—(1) The Workers' Compensation Board shall transfer annually to the Agency at the beginning of each fiscal year of the Board an amount determined by the Lieutenant Governor in Council. Transfer of
funds

(2) The amount to be transferred at the beginning of each fiscal year shall not exceed 110 per cent of the amount transferred at the beginning of the preceding fiscal year. Idem

(3) If an occupational health and safety medical clinic, a safety and accident prevention association or an occupational health and safety training centre is designated for the purposes of clause 10c (1) (n) in one fiscal year, the amount to be transferred at the beginning of the next fiscal year may be greater than the amount permitted under subsection (2). Exception

(4) The amount paid by the Workers' Compensation Board under subsection (1) shall be assessed and levied upon such employers or classes of employers in Schedules 1 and 2 of the Method of
collection

R.S.O. 1980, c. 539 *Workers' Compensation Act* and in such manner as the Board considers appropriate.

Start-up costs (5) The costs and expenses of the Agency before the beginning of the first fiscal year of the Board after this section comes into force, up to a maximum of 1.5 million dollars, shall form part of the administration expenses of the Workers' Compensation Board.

Transition (6) The amount to be transferred under subsection (1) at the beginning of the first fiscal year of the Board after this section comes into force shall not exceed 53 million dollars.

9. The said Act is further amended by adding thereto the following sections:

Transfer of safety associations
R.S.O. 1980, c. 539 **10e.**—(1) The associations formed under section 123 of the *Workers' Compensation Act* before the coming into force of this section, except for the Farm Safety Association of Ontario, are continued under the authority of the Agency.

Regulation (2) The Lieutenant Governor in Council may, by regulation, transfer responsibility for the Farm Safety Association of Ontario to the Agency, in which case this Act applies to the Association and the *Workers' Compensation Act* does not apply to it.

Transitional funding (3) The Workers' Compensation Board shall continue to make payments and grants to and on behalf of the associations referred to in this section as if section 123 of the *Workers' Compensation Act* (as it read immediately before the coming into force of subsection 33 (2) of the *Occupational Health and Safety Statute Law Amendment Act, 1990*) continued to apply to the associations.

Repeal (4) Subsection (3) is repealed on the date the Workers' Compensation Board makes the first transfer under subsection 10d (1).

Funding of certain organizations
R.S.O. 1980, c. 539 **10f.**—(1) No grant may be given under clause 71 (3) (j) of the *Workers' Compensation Act* to an organization that receives or that is eligible to receive funds or grants from the Agency under clause 10c (1) (o).

Exception (2) Subsection (1) does not apply with respect to the period before the Workers' Compensation Board makes the first transfer of funds under subsection 10d (1).

10. The said Act is further amended by adding thereto the following section:

10g.—(1) The Lieutenant Governor in Council may appoint an occupational health and safety adjudicator who shall carry out the duties and exercise the powers of the adjudicator under this Act. Occupational health and safety adjudicator

(2) The adjudicator may delegate in writing any of his or her powers or duties, subject to any limitation or condition set out in the delegation. Delegation

11. Subsection 11 (1) of the said Act is amended by striking out “paragraph 1” in the second line and inserting in lieu thereof “paragraph 1b”.

12. The heading to Part III of the said Act is repealed and the following substituted therefor:

DUTIES OF EMPLOYERS AND OTHER PERSONS

13. The said Act is further amended by adding thereto the following section:

- 13a.**—(1) A licensee shall ensure that, Duties of licensees
- (a) the measures and procedures prescribed by this Act and the regulations are carried out with respect to logging in the licensed area;
 - (b) every employer performing logging in the licensed area for the licensee complies with this Act and the regulations; and
 - (c) the health and safety of workers employed by employers referred to in clause (b) is protected.

(2) In this section, “licensed area” means the lands on which the licensee is authorized to cut Crown timber. Definition

14.—(1) Subsection 14 (2) of the said Act, as amended by the Statutes of Ontario, 1987, chapter 29, section 2, is further amended by striking out “and” at the end of clause (g) and by adding thereto the following clauses:

- (i) prepare and review at least annually a written occupational health and safety policy and develop and maintain a program to implement that policy;
- (j) post at a conspicuous location in the work place a copy of the occupational health and safety policy;

- (k) provide to the committee or to a health and safety representative the results of a report respecting occupational health and safety that is in the employer's possession and, if that report is in writing, a copy of the portions of the report that concern occupational health and safety; and
- (l) advise workers of the results of a report referred to in clause (k) and, if the report is in writing, make available to them on request copies of the portions of the report that concern occupational health and safety.

(2) Section 14 of the said Act, as amended by the Statutes of Ontario, 1987, chapter 29, section 2, is further amended by adding thereto the following subsection:

Idem

- (4) Clause (2) (i) does not apply with respect to a work place at which five or fewer employees are regularly employed.

15.—(1) Subsection 15 (1) of the said Act is amended by adding thereto the following clauses:

- (ga) establish a medical surveillance program for the benefit of workers as prescribed;
- (gb) provide for safety-related medical examinations and tests for workers as prescribed.

(2) The said subsection 15 (1) is further amended by striking out “and” at the end of clause (h), by adding “and” at the end of clause (i) and by adding thereto the following clause:

- (j) carry out such training programs for workers, supervisors and committee members as may be prescribed.

(3) Section 15 of the said Act is amended by adding thereto the following subsection:

Idem

- (3) If a worker participates in a prescribed medical surveillance program or undergoes prescribed medical examinations or tests, his or her employer shall pay,

- (a) the worker's costs for medical examinations or tests required by the medical surveillance program or required by regulation;

- (b) the worker's reasonable travel costs respecting the examinations or tests; and
- (c) the time the worker spends to undergo the examinations or tests, including travel time, which shall be deemed to be work time for which the worker shall be paid at his or her premium rate as may be proper.

16.—(1) Clause 17 (1) (e) of the said Act is repealed.

(2) Section 17 of the said Act is amended by adding thereto the following subsection:

- (3) A worker is not required to participate in a prescribed medical surveillance program unless the worker consents to do so.
- Consent to medical surveillance

17. The said Act is further amended by adding thereto the following section:

18a.—(1) Before beginning a project, the owner shall determine whether any designated substances are present at the project site and shall prepare a list of all designated substances that are present at the site.

Duty of project owners

(2) If any work on a project is tendered, the person issuing the tenders shall include, as part of the tendering information, a copy of the list referred to in subsection (1).

Tenders

(3) An owner shall ensure that a prospective constructor of a project on the owner's property has received a copy of the list referred to in subsection (1) before entering into a binding contract with the constructor.

Idem

(4) The constructor for a project shall ensure that each prospective contractor and subcontractor for the project has received a copy of the list referred to in subsection (1) before the prospective contractor or subcontractor enters into a binding contract for the supply of work on the project.

Duty of constructors

(5) An owner who fails to comply with this section is liable to the constructor and every contractor and subcontractor who suffers any loss or damages as the result of the subsequent discovery on the project of a designated substance that the owner ought reasonably to have known of but that was not on the list prepared under subsection (1).

Liability

(6) A constructor who fails to comply with this section is liable to every contractor and subcontractor who suffers any

Idem

loss or damages as the result of the subsequent discovery on the project of a designated substance that was on the list prepared under subsection (1).

18. Section 19 of the said Act is amended by adding thereto the following subsection:

Architects
and engineers
1984, cc. 12,
13

(2) An architect as defined in the *Architects Act, 1984* and a professional engineer as defined in the *Professional Engineers Act, 1984* contravenes this Act if, as a result of his or her advice that is given or his or her certification required under this Act that is made negligently or incompetently, a worker is endangered.

19. The said Act is further amended by adding thereto the following section:

Duties of
directors and
officers of a
corporation

19a. Every director and every officer of a corporation shall take all reasonable care to ensure that the corporation complies with,

- (a) this Act and the regulations;
- (b) orders and requirements of inspectors and Directors; and
- (c) orders of the Minister.

20.—(1) Subsection 21 (1) of the said Act is amended by striking out “or combination of such agents” in the seventh line and in the tenth line and by striking out “or combination of agents” in the eleventh line.

(2) Subsection 21 (2) of the said Act is amended by striking out “or combination of such agents” in the third line and by striking out “or combination of agents” in the tenth line.

(3) Subsection 21 (3) of the said Act is repealed and the following substituted therefor:

Interpretation

(3) For the purpose of this section, a biological or chemical agent is not considered to be new if, before a person manufactures, distributes or supplies the agent, it was used in a work place other than the person’s work place or it is included in an inventory compiled or adopted by the Minister.

21. Subsection 22a (7) of the said Act, as enacted by the Statutes of Ontario, 1987, chapter 29, section 3, is repealed and the following substituted therefor:

(7) The employer shall keep readily accessible at the work place a floor plan, as prescribed, showing the names of all hazardous materials and their locations and shall post a notice stating where the floor plan is kept in a place or places where it is most likely to come to the attention of workers. Floor plans

22.—(1) Clause 22c (1) (c) of the said Act, as enacted by the Statutes of Ontario, 1987, chapter 29, section 3, is amended by inserting after “employer” in the first line “on request or if so prescribed”.

(2) Clause 22c (1) (d) of the said Act, as enacted by the Statutes of Ontario, 1987, chapter 29, section 3, is amended by inserting after “employer” in the first line “on request or if so prescribed”.

(3) Clause 22c (1) (e) of the said Act, as enacted by the Statutes of Ontario, 1987, chapter 29, section 3, is amended by adding at the end thereof “on request or if so prescribed”.

(4) Subsection 22c (6) of the said Act, as enacted by the Statutes of Ontario, 1987, chapter 29, section 3, is repealed.

23. The heading to Part V of the said Act is repealed and the following substituted therefor:

RIGHT TO REFUSE OR TO STOP WORK
WHERE HEALTH OR SAFETY IN DANGER



24.—(1) Subsection 23 (1), as amended by the Statutes of Ontario, 1984, chapter 55, section 224, and subsection 23 (2) of the said Act are repealed and the following substituted therefor:

(1) This section does not apply with respect to a worker described in subsection (2), Application

- (a) when a circumstance described in clause (3) (a), (b) or (c) is inherent in the worker's work or is a normal condition of the worker's employment; or
- (b) when the worker's refusal to work would directly endanger the life, health or safety of another person.

(2) The worker referred to in subsection (1) is,

Idem

- (a) a person employed in, or a member of, a police force to which the *Police Act* applies;

R.S.O. 1980,
c. 381

- R.S.O. 1980,
c. 164
- (b) a full-time, or a volunteer, firefighter as defined in the *Fire Departments Act*;
- R.S.C. 1985,
c. Y-1
- (c) a person employed in the operation of a correctional institution or facility, a training school or centre, a place of secure custody designated under section 24.1 of the *Young Offenders Act* (Canada) or a place of temporary detention designated under subsection 7 (1) of that Act or a similar institution, facility, school or home;
- (d) a person employed in the operation of,
- (i) a hospital, sanatorium, nursing home, home for the aged, psychiatric institution, mental health or mental retardation centre or a rehabilitation facility,
- (ii) a residential group home or other facility for persons with behavioural or emotional problems or a physical, mental or developmental handicap,
- (iii) an ambulance service or a first aid clinic or station,
- R.S.O. 1980,
c. 409
- (iv) a laboratory operated by the Crown or licensed under the *Laboratory and Specimen Collection Centre Licensing Act*, or
- (v) a laundry, food service, power plant or technical service or facility used in conjunction with an institution, facility or service described in subclause (i) to (iv).

(2) Subsections 23 (11) and (12) of the said Act are repealed and the following substituted therefor:

Duty to
advise other
workers

(11) Pending the investigation and decision of the inspector, no worker shall be assigned to use or operate the equipment, machine, device or thing or to work in the work place or in the part of the work place being investigated unless, in the presence of a person described in subsection (12), the worker has been advised of the other worker's refusal and of his or her reasons for the refusal.

Idem


(12) The person referred to in subsection (11) must be,

- (a) a committee member who represents workers and, if possible, who is a certified member;

- (b) a health and safety representative; or
- (c) a worker who because of his or her knowledge, experience and training is selected by the trade union that represents the worker or, if there is no trade union, by the workers to represent them.

(13) A person shall be deemed to be at work and the person's employer shall pay him or her at the regular or premium rate, as may be proper,

Entitlement
to be paid

- (a) for the time spent by the person carrying out the duties under subsections (4) and (7) of a person mentioned in clause (4) (a), (b) or (c); and
- (b) for time spent by the person carrying out the duties under subsection (11) of a person described in subsection (12). 

25. The said Act is further amended by adding thereto the following sections:



23a.—(1) In sections 23b to 23e, “dangerous circumstances” means a situation in which,

Dangerous
circumstances

- (a) a provision of this Act or the regulations is being contravened;
- (b) the contravention poses a danger or a hazard to a worker; and
- (c) the danger or hazard is such that any delay in controlling it may seriously endanger a worker.

(2) Sections 23b to 23f do not apply with respect to,

Non-
application

- (a) a work place at which workers described in clause 23 (2) (a), (b) or (c) are employed; or
- (b) a work place at which workers described in clause 23 (2) (d) are employed if a work stoppage would directly endanger the life, health or safety of another person.

23b.—(1) A certified member who has reason to believe that dangerous circumstances exist at a work place may request that a supervisor investigate the matter and the supervisor shall promptly do so in the presence of the certified member.

Bilateral
work
stoppage

Investigation
by second
certified
member

(2) The certified member may request that a second certified member representing the other work place party investigate the matter if the first certified member has reason to believe that dangerous circumstances continue after the supervisor's investigation and remedial actions, if any.

Idem

(3) The second certified member shall promptly investigate the matter in the presence of the first certified member.

Direction
following
investigation

(4) If both certified members find that the dangerous circumstances exist, the certified members may direct the constructor or employer to stop the work or to stop the use of any part of a work place or of any equipment, machine, device, article or thing.

Constructor's
or employer's
duties

(5) The constructor or employer shall immediately comply with the direction and shall ensure that compliance is effected in a way that does not endanger a person.

Investigation
by inspector

(6) If the certified members do not agree whether dangerous circumstances exist, either certified member may request that an inspector investigate the matter and the inspector shall do so and provide the certified members with a written decision.

Cancellation
of direction

(7) After taking steps to remedy the dangerous circumstances, the constructor or employer may request the certified members or an inspector to cancel the direction.

Idem

(8) The certified members who issued a direction may jointly cancel it or an inspector may cancel it.

Delegation
by certified
member

(9) In such circumstances as may be prescribed, a certified member who represents the constructor or employer shall designate a person to act under this section in his or her stead when the certified member is not available at the work place.

Declaration
against
constructor,
etc.

23c.—(1) A certified member at a work place or an inspector who has reason to believe that the procedure for stopping work set out in section 23b' will not be sufficient to protect a constructor's or employer's workers at the work place from serious risk to their health or safety may apply to the adjudicator for a declaration or recommendation described in subsection (5), or both.

Notice

(2) An applicant shall give written notice of an application to the constructor or employer and to a Director.

Minister a
party

(3) The Minister is entitled to be a party to a proceeding before the adjudicator.

(4) The Minister may appoint an inspector to attempt to mediate a settlement of the issues between the applicant and the constructor or employer at any time after an application is made.

Mediation

(5) If the adjudicator finds that the procedure for stopping work set out in section 23b will not be sufficient to protect the constructor's or employer's workers at the work place from serious risk to their health or safety, the adjudicator,

Declaration
and
recommen-
dation

- (a) may issue a declaration that the constructor or employer is subject to the procedure for stopping work set out in section 23d for the period specified; and
- (b) may recommend to the Minister that an inspector be assigned to oversee the health and safety practices of the constructor or employer at the work place on a full-time or part-time basis for a specified period.

(6) In making a finding under subsection (5), the adjudicator shall determine, using the prescribed criteria, whether the constructor or employer has demonstrated a failure to protect the health and safety of workers and shall consider such other matters as may be prescribed.

Criteria

(7) The decision of the adjudicator on an application is final.

Decision final

(8) The employer shall reimburse the Treasurer of Ontario for the wages, benefits and expenses of an inspector assigned to the employer as recommended by the adjudicator.

Costs of
inspector

23d.—(1) This section applies, and section 23b does not apply, with respect to a constructor or an employer,

Unilateral
work
stoppage

- (a) against whom the adjudicator has issued a declaration under section 23c; or
- (b) who advises the committee at a work place in writing that the constructor or employer adopts the procedures set out in this section respecting work stoppages.

(2) A certified member may direct the constructor or employer to stop specified work or to stop the use of any part of a work place or of any equipment, machine, device, article or thing if the certified member finds that dangerous circumstances exist.

Direction re
work
stoppage

Constructor's
or employer's
duties.

(3) The constructor or employer shall immediately comply with the direction and shall ensure that compliance is effected in a way that does not endanger a person.

Investigation
by
constructor,
etc.

(4) After complying with the direction, the constructor or employer shall promptly investigate the matter in the presence of the certified member.

Investigation
by inspector

(5) If the certified member and the constructor or employer do not agree whether dangerous circumstances exist, the constructor or employer or the certified member may request that an inspector investigate the matter and the inspector shall do so and provide them with a written decision.

Cancellation
of direction

(6) After taking steps to remedy the dangerous circumstances, the constructor or employer may request the certified member or an inspector to cancel the direction.

Idem

(7) The certified member who made the direction or an inspector may cancel it.

Entitlement
to investigate

23e.—(1) A certified member who receives a complaint that dangerous circumstances exist is entitled to investigate the complaint.

Entitlement
to be paid

(2) The time spent by a certified member in exercising powers and carrying out duties under this section and sections 23b and 23d shall be deemed to be work time for which the member's employer shall pay the member at the regular or premium rate as may be proper.

Complaint re
direction to
stop work

23f.—(1) A constructor, an employer, a worker at the work place or a representative of a trade union that represents workers at the work place may file a complaint with the adjudicator if he, she or it has reasonable grounds to believe that a certified member at the work place recklessly or in bad faith exercised or failed to exercise a power under section 23b or 23d.

Limitation

(2) A complaint must be filed not later than fourteen days after the event to which the complaint relates.


Minister a
party

(3) The Minister is entitled to be a party to a proceeding before the adjudicator.

Determi-
nation of
complaint

(4) The adjudicator shall make a decision respecting the complaint and may make such order as he or she considers appropriate in the circumstances including an order decertifying a certified member.

(5) The decision of the adjudicator is final.

 Decision final

26. Subsection 24 (1) of the said Act is amended by striking out “or” where it appears the second time in the second-last line and by adding at the end thereof “or has given evidence in a proceeding in respect of the enforcement of this Act or the regulations or in an inquest under the *Coroners Act*”.

27. Subsections 26 (2) and (3) of the said Act are repealed and the following substituted therefor:

(2) If an employer is advised by or on behalf of a worker that the worker has an occupational illness or that a claim in respect of an occupational illness has been filed with the Workers’ Compensation Board by or on behalf of the worker, the employer shall give notice in writing, within four days of being so advised, to a Director, to the committee or a health and safety representative and to the trade union, if any, containing such information and particulars as may be prescribed.

Notice of occupational illness

(3) Subsection (2) applies with all necessary modifications if an employer is advised by or on behalf of a former worker that the worker has or had an occupational illness or that a claim in respect of an occupational illness has been filed with the Workers’ Compensation Board by or on behalf of the worker.

Idem

28.—(1) Subsection 28 (1) of the said Act, as amended by the Statutes of Ontario, 1987, chapter 29, section 4, is further amended by striking out “and” at the end of clause (k), by adding “and” at the end of clause (l) and by adding thereto the following clauses:

(ea) require in writing an employer to cause any tests described in clause (e) to be conducted or taken, at the expense of the employer, by a person possessing such special expert or professional knowledge or qualifications as are specified by the inspector and to provide, at the expense of the employer, a report or assessment by that person;

.

(ia) require in writing an employer to have equipment, machinery or devices tested, at the expense of the employer, by a professional engineer and to provide, at the expense of the employer, a report bearing the seal and signature of the professional engineer stating that the equipment, machine or device is not likely to endanger a worker;

- (ib) require in writing that any equipment, machinery or device not be used pending testing described in clause (ia);

.

- (m) require the production of any materials concerning the content, frequency and manner of instruction of any training program and inspect, examine and copy the materials and attend any such program.



(2) Subclause 28 (1) (j) (iii) of the said Act is repealed and the following substituted therefor:

- (iii) that a floor, roof or temporary work, or part of a building, structure or temporary work is capable of supporting or withstanding all loads to which it may be subjected without causing the materials therein to be stressed beyond the allowable unit stresses established under the *Building Code Act* or established by regulation.



R.S.O. 1980,
c. 51

29. The said Act is further amended by adding thereto the following sections:

Order for
inspections

28a. Subject to subsection 8 (8c), an inspector may in writing direct a health and safety representative or a member designated under subsection 8 (8) to inspect the physical condition of all or part of a work place at specified intervals.



Seizure of
documents or
things

28b.—(1) While acting under the authority of this Act, an inspector may, without a warrant or court order, seize any thing that is produced to him or her or that is in plain view if the inspector reasonably believes that this Act or a regulation has been contravened and that the thing will afford evidence of the contravention.

Possession

(2) The inspector may remove the thing seized or may detain it in the place in which it is seized.

Notice and
receipt

(3) The inspector shall inform the person from whom the thing is seized as to the reason for the seizure and shall give the person a receipt for it.

Report to
justice

(4) The inspector shall bring a thing seized under the authority of this section before a provincial judge or justice of the peace or, if that is not reasonably possible, shall report the seizure to a provincial judge or justice of the peace.

(5) Sections 143 and 144 of the *Provincial Offences Act* apply with necessary modifications in respect of a thing seized under the authority of this section.

Application
of
R.S.O. 1980,
c. 400,
ss. 143, 144

30.—(1) Subsection 29 (1) of the said Act is amended by inserting after “constructor” in the third line “licensee”.

(2) Section 29 of the said Act, as amended by the Statutes of Ontario, 1987, chapter 29, section 5, is further amended by adding thereto the following subsections:

(3a) An order made under subsection (1) may require a constructor, a licensee or an employer to submit to the Ministry a compliance plan prepared in the manner and including such items as required by the order.

Compliance
plan

(3b) The compliance plan shall specify what the constructor, licensee or employer plans to do to comply with the order and when the constructor, licensee or employer intends to achieve compliance.

Idem

(3) Clause 29 (4) (b) of the said Act is repealed and the following substituted therefor:

(b) order that the work at the work place as indicated in the order shall stop until the order to stop work is withdrawn or cancelled by an inspector after an inspection.

(4) The said section 29 is further amended by renumbering subsection (4a) as subsection (4b) and by adding thereto the following subsection:

(4a) Notwithstanding clause (4) (b), a constructor, a licensee or an employer who gives notice to an inspector of compliance with an order made under subsection (4) may resume work pending an inspection and decision by an inspector respecting compliance with the order if, before the resumption of work, a committee member representing workers or a health and safety representative, as the case may be, advises an inspector that in his or her opinion the order has been complied with.

Resumption
of work
pending
inspection

(5) Subsection 29 (6) of the said Act is amended by inserting after “constructor” in the second line and in the fourth line in each instance “licensee”.

(6) Subsection 29 (7) of the said Act is amended by inserting after “constructor” in the second line “licensee”.



31. The said Act is further amended by adding thereto the following section:

Notice of
compliance

30a.—(1) Within three days after a constructor or employer who has received an order under section 29 believes that compliance with the order has been achieved, the constructor or employer shall submit to the Ministry a notice of compliance.

Idem

(2) The notice shall be signed by the constructor or employer and shall be accompanied by,

- (a) a statement of agreement or disagreement with the contents of the notice, signed by a member of the committee representing workers or by a health and safety representative, as the case may be; or
- (b) a statement that the member or representative has declined to sign the statement referred to in clause (a).

Idem

(3) The constructor or employer shall post the notice and the order issued under section 29 for a period of fourteen days following its submission to the Ministry in a place or places in the work place where it is most likely to come to the attention of workers.

Compliance
achieved

(4) Notwithstanding the submission of a notice of compliance, a constructor or employer achieves compliance with an order under section 29 when an inspector determines that compliance has been achieved.

➡
32.—(1) Subsection 32 (1) of the said Act is amended by inserting after “constructor” in the first line “licensee”.

(2) Subsection 32 (8) of the said Act is repealed.

(3) Section 32 of the said Act is amended by striking out “a Director” wherever it occurs and inserting in lieu thereof in each instance “the adjudicator”.
▲

33. Section 34 of the said Act, as amended by the Statutes of Ontario, 1987, chapter 29, section 6 and 1988, chapter 58, section 5, is further amended by adding thereto the following subsection:

Employer
access to
health
records

➡
(1a) No employer shall seek to gain access, except by an order of the court or other tribunal or in order to comply with another statute, to a health record concerning a worker without the worker's written consent.

34. Subsection 36 (1) of the said Act is repealed and the following substituted therefor:

(1) No action or other proceeding for damages, prohibition or mandamus shall be instituted respecting any act done in good faith in the execution or intended execution of a person's duties under this Act or in the exercise or intended exercise of a person's powers under this Act or for any alleged neglect or default in the execution or performance in good faith of the person's duties or powers if the person is, Immunity

- (a) an employee of the Ministry or a person who acts as an advisor for the Ministry;
- (b) a director or employee of the Agency or a person who acts as an advisor for the Agency;
- (c) the adjudicator or a person to whom the adjudicator has delegated powers or duties;
- (d) a health and safety representative or a committee member;
- (e) a worker selected by a trade union or trade unions or by workers to represent them; or
- (f) an employee of a medical clinic, an association or a training centre referred to in clause 10c (1) (n) or an association referred to in subsection 10e (1).

35. Section 37 of the said Act is amended by adding thereto the following subsection:

(1a) If a corporation is convicted of an offence under subsection (1), the maximum fine that may be imposed upon the corporation is \$500,000 and not as provided therein. Idem

36. Subsection 38 (1) of the said Act is amended by striking out "or" at the end of clause (b), by adding "or" at the end of clause (c) and by adding thereto the following clause:

- (d) a document purporting to certify the result of a test or an analysis of any equipment, machine, device, article, thing or substance and purporting to be certified by an inspector,

37. Section 39 of the said Act is amended by adding thereto the following subsection:

Provincial
judge
required

(2) The Attorney General or an agent for the Attorney General may by notice to the clerk of the court having jurisdiction in respect of an offence under this Act require that a provincial judge preside over the proceeding.

38. Subsection 41 (2) of the said Act, as amended by the Statutes of Ontario, 1987, chapter 29, section 7 and 1988, chapter 58, section 6, is further amended by adding thereto the following paragraphs:

- 8a. prescribing classes of work places for which and circumstances under which a committee shall consist of more than four persons and in each case prescribing the number of persons;
- 8b. prescribing employers or work places or classes thereof for the purposes of clause 8 (1) (b);
- 8c. exempting any work place, industry, activity, business, work, trade occupation, profession, constructor or employer or any class thereof from the application of subsection 8 (2);
- 8d. respecting the conditions for eligibility, qualifications, selection and term of committee members, including certified members, and the operation of the committee;
- 8e. exempting any class of work places from the requirement set out in subsection 8 (5f);
- 8f. prescribing occupational health and safety medical clinics, safety and accident prevention associations and occupational health and safety training centres for the purposes of clause 10c (1) (n);
-
- 10a. prescribing classes of employers who shall establish and maintain a medical surveillance program in which workers may volunteer to participate;
- 10b. governing medical surveillance programs;
-
- 21a. prescribing training programs that employers shall provide;

21b. increasing the number of certified members required on a committee;

21c. prescribing floor plans for the purposes of subsection 22a (7);

.

29. prescribing by class of employer the intervals at which a health and safety representative or a committee member designated under subsection 8 (8) shall inspect all or part of a work place;

30. establishing criteria for determining, for the purpose of section 25, whether a person is critically injured;

31. prescribing first aid requirements to be met and first aid services to be provided by employers and constructors;

32. prescribing, for the purpose of clause 15 (1) (gb), medical examinations and tests that a worker is required to undergo to ensure that the worker's health will not affect his or her ability to perform his or her job in a manner that might endanger others;

33. prescribing classes of work place with respect to which section 23b does not apply;

34. prescribing the qualifications of persons whom a certified member may designate under subsection 23b (9);

35. prescribing, for the purpose of subsection 23c (6), criteria for determining whether a constructor or employer has demonstrated a failure to protect the health and safety of workers;

36. prescribing matters to be considered by the adjudicator in deciding upon an application under section 23c;

37. prescribing classes of work place with respect to which section 23d does not apply.

39.—(1) Subsection 74 (3) of the *Workers' Compensation Act*, being chapter 539 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

Deeming
provision

(3) For the purposes of this section, the following individuals shall be deemed to be employees of the Board:

1. The employees of designated associations formed under subsection 123 (1).
2. The employees of designated corporations for accident prevention, the members of which are employees within the meaning of section 123.
3. The employees of safety and accident prevention associations described in subclause 10c (1) (n) (ii) of the *Occupational Health and Safety Act*.

R.S.O. 1980,
c. 321

(2) Section 74 of the said Act, as amended by the Statutes of Ontario, 1982, chapter 61, section 12 and 1984, chapter 58, section 26, is further amended by adding thereto the following subsections:

Idem

(4a) For the purposes of this section, every employee who, on the 10th day of April, 1952, was in the service of an association or corporation described in subsection (3) shall be deemed to have become an employee of the Board on the date on which he or she last entered the service of the association or corporation.

Idem

(4b) On a day to be named by proclamation of the Lieutenant Governor, the employees of safety and accident prevention associations described in subclause 10c (1) (n) (ii) of the *Occupational Health and Safety Act* cease to be deemed to be employees of the Board.

Repeal

(4c) Paragraph 3 of subsection (3) is repealed on a day to be named by proclamation of the Lieutenant Governor. ▲

(3) Section 91 of the said Act is amended by adding thereto the following subsection:

Recommendations

(6a) The Board may take into account recommendations made by the Workplace Health and Safety Agency established under the *Occupational Health and Safety Act* in reaching its opinion under subsection (4) or (6).

R.S.O. 1980,
c. 321

(4) Section 123 of the said Act is repealed and the following substituted therefor:

Accident
prevention
associations

123.—(1) The employers in any class of farm-related activity may, with the approval and under the control of the Board, form themselves into an association for the purpose of education in accident prevention.

(2) If the Board is of opinion that an association so formed sufficiently represents the employers included in the class, the Board may approve rules of operation and, when approved by the Board and by the Lieutenant Governor in Council, they are binding on all the employers included in the class.

Rules of operation

(3) Where an association under the authority of its rules of operation appoints an inspector or an expert for the purpose of education in accident prevention, the Board may pay the whole or any part of the salary or remuneration of such inspector or expert out of the accident fund or out of that part of it that is at the credit of any one or more of the classes as the Board considers just.

Inspectors

(4) The Board may, in any case that it considers proper, make a grant towards the expenses of any such association.

Expenses of associations

(5) Any moneys paid by the Board under this section shall be charged against the class represented by such association and levied as part of the assessment against such class.

Where charged

(6) The word “class” in this section includes subclass or such part of a class or such number of classes or parts of classes as may be approved by the Board.

Definition “catégorie”

40. The Minister shall undertake a review three years after this section comes into force of,

Ministerial review

- (a) the mandate of the Workplace Health and Safety Agency and the administration of its programs; and
- (b) the operation and effectiveness of sections 23b to 23d of the *Occupational Health and Safety Act*.

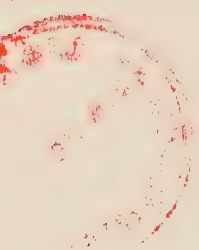
R.S.O. 1980, c. 321

41. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Commencement

42. The short title of this Act is the *Occupational Health and Safety Statute Law Amendment Act, 1990*.

Short title



Bill 208

An Act to amend the Occupational Health and Safety Act and the Workers' Compensation Act

The Hon. G. Phillips
Minister of Labour

<i>1st Reading</i>	January 24th, 1989
<i>2nd Reading</i>	October 23rd, 1989
<i>3rd Reading</i>	
<i>Royal Assent</i>	



*Continued from the 1st Session by an Order of the
Legislative Assembly of March 2nd, 1989.*

(Reprinted as amended by the Resources Development Committee)

EXPLANATORY NOTES

SECTION 1.—Subsection 1. These definitions relate to the Workplace Health and Safety Agency, the occupational health and safety adjudicator and the specially trained certified members of the health and safety committees established by proposed sections 10 and 23a of the Act.

Subsection 2. The definition of “constructor” is amended to clarify that works and undertakings underground in a mine are not governed by the construction regulations.

Subsection 3. Under the amendment, a person holding a logging licence under the *Crown Timber Act* or a person who undertakes logging for such a person will be an employer and subject to the duties of an employer under the Act and the regulations.

Subsection 4. The definition of “logging” is amended to include the maintenance of haul roads, scarification, carrying out of planned burns and silviculture.

Subsection 5. “Mining developments” are taken out of the definition of “project” in order to clarify that mining developments are governed by the mining regulations and not the construction regulations.

Subsection 6. A ship under construction or under repair will be treated as a project and will be subject to the provisions of the Act and the regulations that relate to construction projects. An owner does not become a constructor by virtue only of the fact that the owner has engaged an architect, professional engineer or other person solely to oversee the quality control at a project.

SECTION 2. This amendment provides that certain sections of the Act apply to self-employed persons.

SECTION 3. The amendments to section 7 of the Act will require a constructor at a project or an employer at any other work place, where a joint health and safety committee is not required, to cause the selection of a health and safety representative when the number of workers at the project or other work place regularly exceeds five.

The representative is required to inspect at least part of physical condition of at least part of the work place at least once a month.

The representative’s powers are expanded to include the right to obtain information from the employer concerning testing, to be consulted concerning such tests and to be present at the beginning of certain types of tests.

SECTION 4.—Subsection 1. Clause 8 (1) (b) of the Act now contains specific exemptions from the requirement that a joint health and safety committee be established. The exemption for construction projects will be limited to projects which are anticipated to last less than three months. The amendments will remove these exemptions and authorize the Lieutenant Governor in Council to make regulations exempting classes of employers or work places.

Subsection 2. Necessary amendments are made to section 8 to reflect the fact that this section now applies to constructors as well as employers subject to the exemptions set out in subsection (1).

Subsection 3. The minimum size of a committee is changed from two to four persons, or such greater number as may be prescribed, if there are more than fifty workers in the work place. It is clarified that, to the extent possible, representatives are required to be from the work place. Committees are required to have co-chairpersons, one of whom represents workers and the other of whom represents the employer.

Subsection 4. At least one committee member representing the employer and one representing workers will be required to be a certified member. Only one certified member

representing the employer and one representing workers shall be designated to exercise the powers and perform the duties of a certified member on the committee.

Subsections 5 to 7. The frequency of inspections can be changed by an order of an inspector or by regulation. If possible, the inspection is to be done by a certified member of the committee. The constructor, employer and workers are to provide assistance necessary for the health and safety inspections to be done. The member shall advise the committee of health and safety concerns and the committee is required to consider the information.

Subsection 8. The proposed amendment would require that the committee member be given at least one hour of paid time to prepare for each committee meeting. Committee members are to be paid while fulfilling the requirements to become certified.

SECTION 5. The proposed section 8a of the Act will require the committee at certain construction projects to set up a worker trades committee. The worker trades committee is to inform the construction project committee of the health and safety concerns of the workers of the trades. The time spent by the members of the trades committee attending meetings is to be work time for which the worker is paid, up to a maximum number of hours established by the construction project committee.

The proposed section expands the powers of a committee or a health and safety representative at a workplace to include the right to obtain information from the employer concerning industrial hygiene testing, to be consulted concerning such tests and to be present at the beginning of certain types of tests.

SECTION 6. This amendment will create a Workplace Health and Safety Agency. The Agency will have a board of directors appointed by the Lieutenant Governor in Council. The Lieutenant Governor in Council will also have the power to appoint an executive director, in consultation with the board of directors, who will be a non-voting member of the board. The executive director is to carry out the directions of the board and to be responsible for the day to day operations of the Agency and may hire employees and consultants.

SECTION 7. The powers of the Agency are set out in the proposed section 10c. If the Agency fails to fulfil any of its functions, the Minister may intervene. The board of directors may delegate the Agency's powers and duties to employees of the Agency.

SECTION 8. The Workers' Compensation Board is to transfer annually to the Agency an amount, subject to certain limitations, determined by the Lieutenant Governor in Council from funds levied by the Board in respect of occupational health and safety related matters.


SECTION 9. Safety Associations formed under section 123 of the *Workers' Compensation Act* are transferred to the Agency, except for the Farm Safety Association which may be transferred by regulation at a later date.

SECTION 10. The Lieutenant Governor in Council may appoint an occupational health and safety adjudicator.

SECTION 11. Necessary amendment to reflect other changes.

SECTION 12. The Minister may appoint advisory committees to propose procedures to be used where workers do not have a right to refuse to work under section 23 of the Act.

SECTION 13. Necessary amendment to reflect other changes.

SECTION 14. This section adds to the duties imposed on an employer to maintain and provide a written occupational health and safety policy and to provide copies of certain types of reports. 

SECTION 15. The employer will have further duties to establish a medical surveillance program for the benefit of workers as prescribed, to provide for safety-related medical examinations and tests and to carry out such training programs for workers, supervisors and committee members as prescribed.

Employers will be required to pay the worker's costs for the worker's participation in the employer's medical surveillance program, including reasonable travel expenses.

SECTION 16. The requirement for workers to undergo medical tests or examinations where prescribed is revoked. Worker consent is required for participation in a medical surveillance program.

SECTION 17. In the proposed section 18a, owners of property where construction work is carried out will be required to provide to prospective constructors as part of the tendering process, and, in any event, before entering into a binding contract with the constructor, a list of all designated substances that are present on the project site. Similarly, constructors will be required to ensure that prospective contractors and subcontractors are provided with such a list as part of the tendering process, and, in any event, before entering a binding contract. Owners and constructors who fail to comply with this provision will be liable to the person to whom the information should have been provided for any loss or damage.

SECTION 18. Architects and professional engineers will now be in contravention of the Act if they give advice or certify equipment or a project negligently or incompetently, and if the result is that a worker is endangered.

SECTION 19. Under the proposed section 19a, directors and officers of corporations will be required to take all reasonable care to ensure that the Act and regulations and orders under them are complied with.

SECTION 20. Self-explanatory.

SECTION 21. The amendment will remove the requirement to file a floor plan showing the location of all hazardous materials. Instead the employer will be required to keep the floor plan in an accessible place in the work place and to post a notice of its location.

SECTION 22. The Act presently requires an employer to provide an inventory of all hazardous materials in the work place and their material safety data sheets to the medical officer of health for the area, the local fire department and a Director. The proposed amendment will require that the inventory and material safety data sheets be provided to such persons only upon request or if so required by regulation.

SECTION 23. Necessary amendment to reflect other changes.

SECTION 24.—Subsections 1, 2 and 3. The worker's right to refuse to work is clarified as including the situation where the worker has reason to believe that an activity he or she is about to engage in is likely to endanger someone.

Subsection 4. The proposed amendment clarifies that the time spent by a worker who has exercised his or her right to refuse and is standing by pending the completion of the investigation is work time for which the worker is to be paid.

SECTION 25. Under the proposed section 23a, if a certified member finds that a provision of the Act or the regulations is being contravened, the contravention poses a danger or a hazard to a worker, and the danger or hazard is such that any delay in controlling it will cause serious risk to a worker, the certified member may direct the employer to stop the specific work or the use of the specific machine or equipment.

The employer is to comply with the direction to stop work immediately and is to investigate the circumstances in the presence of the certified member. A direction to stop work may be cancelled by the certified member or by an inspector of the Ministry.

If on a worker's complaint, a certified member has reason to believe that a situation requiring a stop work direction exists, the certified member may investigate.

Under section 23b, the time spent by a certified member under section 23a shall be deemed to be work time for which the member is to be paid.

Under the proposed section 23c, if an employer believes that a certified worker has unreasonably exercised his or her powers under section 23a, the employer may file a complaint with the Agency which shall hear the complaint. If the Agency finds that the certified member gave a direction to stop work negligently or in bad faith, the Agency shall decertify the member. If the Agency finds that the member otherwise behaved improperly, the Agency can give such order as it considers appropriate. The decision of the Agency is final. If a member's certification is revoked by the Agency, that person is not eligible to be re-certified.

SECTION 26. The protection to workers against reprisals by their employers is extended to include a prohibition against reprisals to a worker who has given testimony in a proceeding under the Act or under the *Coroners Act*.

SECTION 27. This amendment provides that an employer must give notice to a Director and the committee, the health and safety representative and the trade union, if any, when a claim in respect of an occupational illness has been filed with the Workers' Compensation Board.

SECTION 28.—Subsection 1. Same as changes to section 23 of the Act (section 24 of the Bill).

Subsection 2. This section expands an inspector's powers to require an employer to cause tests to be conducted, by the appropriate experts, at the employer's expense and to provide reports of them, to require an employer not to allow equipment to be used pending testing, and to require the production of materials concerning the content of training programs.

SECTION 29. Under the proposed section 28a, an inspector may order an inspection frequency of a work place different from that set out in the Act.

Under the proposed section 28b, the powers of an inspector are increased to allow the inspector to seize documents and things to be used as evidence in a prosecution under the Act.

SECTION 30. The amendments to section 29 authorize an inspector to provide in an order for compliance that an employer prepare and submit a compliance plan detailing how and when the employer proposes to comply with the order.

A stop work order would now remain in effect until the inspector has withdrawn or cancelled it following an inspection. However, an employer will be able to resume work pending the inspection if the employer has given notice of compliance to an inspector and a committee member representing workers or a health and safety representative advises an inspector that he or she agrees that the order has been complied with.

SECTION 31. The proposed section 30a provides that a constructor or an employer shall submit to the Ministry written notice of compliance within three days of the time the constructor or the employer believes compliance has been achieved. The notice is to be accompanied by a statement of a committee member representing workers or a health and safety representative agreeing or disagreeing with the constructor's or the employer's view or a statement that the member or representative declines to make such a statement. The notice of compliance is to be posted along with the order in a conspicuous

place in the work place for fourteen days following its submission. The section also provides that the final determination of whether compliance has been achieved is left to an inspector.

SECTION 32. The proposed subsection 34 (1a) provides for the confidentiality of worker's health records.

SECTION 33. The protection in the Act against actions for damages is extended to persons who act as advisors for the Ministry and the directors, executive director and employees of the Agency.

SECTION 34. The maximum fine for a corporation convicted of an offence under the Act is increased from \$25,000 to \$500,000.

SECTION 35. This amendment allows the admission of a certificate of analysis of a test or analysis of equipment or things as evidence in a proceeding under the Act without requiring the strict proof of the signature or official character of the document.

SECTION 36. The Attorney General or an agent of the Attorney General is given the right to require that a trial of an offence under the Act be presided over by a provincial court judge rather than a justice of the peace.

SECTION 37. The regulation-making powers are increased to reflect the changes to the Act made by this Bill.

SECTION 38.—Subsection 1. The proposed amendment to section 91 of the *Workers' Compensation Act* enables the Workers' Compensation Board to take into account recommendations received from the Agency respecting the increasing or decreasing of contributions under subsections 91 (4) and (6).

Subsection 2. Section 123 of the *Workers' Compensation Act* is re-enacted to continue the provisions of that section with respect only to the farm-related safety associations.

Bill 208

1989

**An Act to amend the
Occupational Health and Safety Act
and the Workers' Compensation Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Section 1 of the *Occupational Health and Safety Act*, being chapter 321 of the Revised Statutes of Ontario, 1980, as amended by the Statutes of Ontario, 1986, chapter 64, section 44 and 1987, chapter 29, section 1, is further amended by re-numbering paragraph 1 as paragraph 1b and by adding thereto the following paragraphs:

1. “adjudicator” means the occupational health and safety adjudicator appointed under subsection 10g (1);
- 1a. “Agency” means the Workplace Health and Safety Agency established under section 10;
- 1aa. “certified member” means a committee member who is certified by the Agency under clause 10c (1) (c).

(2) Paragraph 3 of the said section 1 is amended by adding at the end thereof “but does not include any work or undertaking underground in a mine”.

(3) Paragraph 8 of the said section 1 is repealed and the following substituted therefor:

8. “employer” means a person who employs one or more workers or who contracts for the services of one or more workers and includes,
- i. a contractor or subcontractor who performs work or supplies services,

R.S.O. 1980,
c. 109

- ii. a contractor or subcontractor who undertakes with an owner, constructor, contractor or subcontractor to perform work or supply services,
- iii. a person who holds a logging licence under the *Crown Timber Act*,
- iv. a person who undertakes all logging on behalf of a person described in subparagraph iii with respect to the licence.

(4) Paragraph 15 of the said section 1 is amended by inserting after “logs” in the fourth line “the maintenance of haul roads, scarification, the carrying out of planned burns, the practice of silviculture”.

(5) Subparagraph ii of paragraph 23 of the said section 1 is repealed.

(6) The said section 1 is further amended by adding thereto the following subsections:

Ship under
repair

(2) For the purposes of this Act and the regulations, a ship being manufactured or under repair shall be deemed to be a project.

Limitation

(3) An owner does not become a constructor by virtue only of the fact that the owner has engaged an architect, professional engineer or other person solely to oversee quality control at a project.

2. The said Act is amended by adding thereto the following section:

Self-
employed
persons

3a. Subsections 14 (1), clauses 15 (1) (c), (e), (f) and (g), subsection 20 (1) and sections 21, 22a, 22b, 22c, 22d, 22e, 22f, 25, 26, 28, 29, 29a, 30a, 31, 32, 33, 37, 38, 39 and 40, and the regulations in relation thereto, apply with necessary modifications to a self-employed person.

3.—(1) Subsections 7 (1) and (2) of the said Act are repealed and the following substituted therefor:

Mandatory
selection of
health and
safety
representative

(1) At a project or other work place where no committee is required under section 8 and where the number of workers regularly exceeds five, the constructor or employer shall cause the workers to select at least one health and safety representative from among the workers at the work place who do not exercise managerial functions.

(2) If no health and safety representative is required under subsection (1) and no committee is required under section 8 for a work place, the Minister may, by order in writing, require a constructor or employer to cause the workers to select one or more health and safety representatives from among the workers at the work place or part thereof who do not exercise managerial functions, and may provide in the order for the qualifications of such representatives.

Order
appointing
health and
safety
represent-
atives

(2) Subsection 7 (6) of the said Act is repealed and the following substituted therefor:



(6) Unless otherwise required by the regulations or by an order by an inspector, a health and safety representative shall inspect the physical condition of the work place at least once a month.

Inspections

(6a) If it is not practical to inspect the work place at least once a month, the health and safety representative shall inspect the physical condition of the work place at least once a year, inspecting at least a part of the work place in each month.

Idem

(6b) The inspection required by subsection (6a) shall be undertaken in accordance with a schedule agreed upon by the constructor or employer and the health and safety representative.

Schedule of
inspections

(6c) The constructor, employer and workers shall provide a health and safety representative with such information and assistance as the member may require for the purpose of carrying out an inspection of the work place.

Inspections

(3) Section 7 of the said Act is amended by adding thereto the following subsections:




(7a) A health and safety representative has the power,

Powers of
representative

(a) to obtain information from the constructor or employer concerning the conducting or taking of tests of any equipment, machine, device, article, thing, material or biological, chemical or physical agent in or about a work place for the purpose of occupational health and safety;

(b) to be consulted about, and be present at the beginning of, testing referred to in clause (a) conducted in or about the work place if the representative believes his or her presence is required to ensure



that valid testing procedures are used or to ensure that the test results are valid; and 

(c) to obtain information from the constructor or employer respecting,

(i) the identification of potential or existing hazards of materials, processes or equipment, and

(ii) health and safety experience and work practices and standards in similar or other industries of which the constructor or employer has knowledge.

Response to
recommendations

 (7b) A constructor or employer who receives written recommendations from a health and safety representative shall respond in writing within twenty-one days. 

Idem

(7c) A response of a constructor or employer under subsection (7b) shall contain a timetable for implementing the recommendations the constructor or employer agrees with and give reasons that the constructor or employer disagrees with any recommendations that the constructor or employer does not accept.

(4) Subsection 7 (10) of the said Act is amended by striking out “subsections (6), (7) and (8)” in the eighth line and inserting in lieu thereof “this section”.

4.—(1) Subsection 8 (1) of the said Act is repealed and the following substituted therefor:

Application

(1) Subject to subsection (3), this section does not apply,

(a) to a constructor at a project at which work is expected to last less than three months; or

(b) to a prescribed employer or work place or class of employers or work places.

(2) Subsection 8 (2) of the said Act is amended by striking out “employer” in the seventh line and inserting in lieu thereof “constructor or the employer”.

(3) Subsection 8 (5) of the said Act is repealed and the following substituted therefor:

Composition
of committee

(5) A committee shall consist of,

- (a) at least two persons, for a work place where fewer than fifty workers are regularly employed; or
- (b) at least four persons or such greater number of people as may be prescribed, for a work place where fifty or more workers are regularly employed.

(5a) At least half the members of a committee shall be workers employed at the work place who do not exercise managerial functions. Idem

(5b) The members of a committee who represent workers shall be selected by the workers they are to represent or, if a trade union or unions represent the workers, by the trade union or unions. Selection of members

(5c) The constructor or employer shall select the remaining members of a committee from among persons who exercise managerial functions for the constructor or employer and, to the extent possible, who do so at the work place. Idem

(5d) A member of the committee who ceases to be employed at the work place ceases to be a member of the committee. Requirement for committee membership

(5e) Two of the members of a committee shall co-chair the committee, one of whom shall be selected by the members who represent workers and the other of whom shall be selected by the members who exercise managerial functions. Committee to be co-chaired

(4) Section 8 of the said Act is amended by adding thereto the following subsections:

(5f) Unless otherwise prescribed, a constructor or employer shall ensure that at least one member of the committee representing the constructor or employer and at least one member representing workers are certified members. Certification requirement


(5g) Subsection (5f) does not apply with respect to a project where fewer than fifty workers are regularly employed or that is expected to last less than three months. Idem

(5h) If no member representing workers is a certified member, the workers or the trade unions who selected the members representing workers shall select from among them one or more who are to become certified. Designation of member to be certified


(5i) If there is more than one certified member representing workers, the workers or the trade unions who selected the members representing workers shall designate one or more Designation of certified members

certified members who then become solely entitled to exercise the rights and required to perform the duties under this Act of a certified member representing workers.

Idem


(5j) If there is more than one certified member representing the constructor or employer, the constructor or employer shall designate one or more of them who then become solely entitled to exercise the rights and required to perform the duties under this Act of a certified member representing a constructor or an employer. 


Replacement
of certified
member

(5k) If a certified member resigns or is unable to act, the constructor or employer shall, within a reasonable time, take all steps necessary to ensure that the requirement set out in subsection (5f) is met. 

(5) Subsection 8 (6) of the said Act is amended by striking out “and” at the end of clause (c) and by adding thereto the following clauses:

(e) obtain information from the constructor or employer concerning the conducting or taking of tests of any equipment, machine, device, article, thing, material or biological, chemical or physical agent in or about a work place for the purpose of occupational health and safety; and

(f) be consulted about, and have a designated member representing workers be present at the beginning of, testing referred to in clause (e) conducted in or about the work place if the designated member believes his or her presence is required to ensure that valid testing procedures are used or to ensure that the test results are valid. 

(6) Section 8 of the said Act is further amended by adding thereto the following subsections: 

Idem

(6a) The members of the committee who represent workers shall designate one of them who is entitled to be present at the beginning of testing described in clause (6) (f).

Response to
recommen-
dations

(6b) A constructor or employer who receives written recommendations from a committee shall respond in writing within twenty-one days. 

Idem

(6c) A response of a constructor or employer under subsection (6b) shall contain a timetable for implementing the recommendations the constructor or employer agrees with and give reasons that the constructor or employer disagrees with

any recommendations that the constructor or employer does not accept.

(7) Subsection 8 (8) of the said Act is repealed and the following substituted therefor:

(8) Subject to subsection (8a), the members of a committee who represent workers shall designate a member representing workers to inspect the physical condition of the work place. Inspections

(8a) If possible, the member designated under subsection (8) shall be a certified member. Idem

(8b) The members of a committee are not required to designate the same member to perform all inspections or to perform all of a particular inspection. Idem

▼
(8c) Unless otherwise required by the regulations or by an order by an inspector, a member designated under subsection (8) shall inspect the physical condition of the work place at least once a month. Idem

(8d) If it is not practical to inspect the work place at least once a month, the member designated under subsection (8) shall inspect the physical condition of the work place at least once a year, inspecting at least a part of the work place in each month. Idem

(8e) The inspection required by subsection (8d) shall be undertaken in accordance with a schedule established by the committee. Schedule of inspections

▲
(8f) The constructor, employer and the workers shall provide a member designated under subsection (8) with such information and assistance as the member may require for the purpose of carrying out an inspection of the work place. Inspections

(8g) The member shall inform the committee of situations that may be a source of danger or hazard to workers and the committee shall consider such information within a reasonable period of time. Information reported to the committee

(8) Subsection 8 (12) of the said Act is repealed and the following substituted therefor:

(12) A member of a committee is entitled to, Entitlement to time from work

- (a) one hour or such longer period of time as the committee determines is necessary to prepare for each committee meeting;

(b) such time as is necessary to attend meetings of the committee; and

(c) such time as is necessary to carry out the member's duties under subsections (8c), (8d) and (9).

Entitlement
to be paid

(12a) A member of a committee shall be deemed to be at work during the times described in subsection (12) and the member's employer shall pay the member for those times at the member's regular or premium rate as may be proper.

Idem

(12b) A member of a committee shall be deemed to be at work while the member is fulfilling the requirements for becoming certified by the Agency and the member's employer shall pay the member for the time spent at the member's regular or premium rate as may be proper.

Exception

(12c) Subsection (12b) does not apply with respect to workers who are paid by the Agency for the time spent fulfilling the requirements for becoming certified.

(9) Subsection 8 (14) of the said Act is amended by inserting after "by" in the third line "a constructor or" and by inserting after "consulting" in the fourth line "the constructor or".

5. The said Act is further amended by adding thereto the following sections:

Worker
trades
committee

8a.—(1) If a committee is required at a project, other than a project where fewer than fifty workers are regularly employed or that is expected to last less than three months, the committee shall establish a worker trades committee for the project.

Committee
membership

(2) The members of a worker trades committee shall represent workers employed in each of the trades at the work place.

Selection of
members

(3) The members of a worker trades committee shall be selected by the workers employed in the trades the members are to represent or, if a trade union represents the workers, by the trade union.

Function of
worker trades
committee

(4) It is the function of a worker trades committee to inform the committee at the work place of the health and safety concerns of the workers employed in the trades at the work place.

Entitlement
to time from
work

(5) Subject to subsection (6), a member of a worker trades committee is entitled to such time from work as is necessary

to attend meetings of the worker trades committee and the time so spent shall be deemed to be work time for which the member shall be paid by the employer at the member's regular or premium rate as may be proper.

(6) The committee for a work place shall determine the maximum amount of time for which members of a worker trades committee for the work place are entitled to be paid under subsection (5) for each meeting of the worker trades committee.

Committee to determine maximum entitlement

8b.—(1) The constructor or employer at a work place shall consult a health and safety representative or the committee with respect to proposed testing strategies for investigating industrial hygiene at the work place.

Consultation on industrial hygiene testing

(2) The constructor or employer shall provide information to a health and safety representative or the committee concerning testing strategies to be used to investigate industrial hygiene at the work place.

Information

(3) A health and safety representative or a designated committee member representing workers at a work place is entitled to be present at the beginning of testing conducted with respect to industrial hygiene at the work place if the representative or member believes his or her presence is required to ensure that valid testing procedures are used or to ensure that the test results are valid.

Attendance at testing

(4) The committee members representing workers shall designate one of them for the purpose of subsection (3).

Designation of member

6. Section 10 of the said Act is repealed and the following substituted therefor:

10.—(1) An agency to be known as the Workplace Health and Safety Agency is established.

Workplace Health and Safety Agency

(2) The Agency is composed of a board of directors, appointed by the Lieutenant Governor in Council, consisting of,

Board of directors

- (a) one chair, selected in accordance with subsection (3);
- (b) two full-time vice-chairs, one of whom represents management and one of whom represents labour;
- (c) twelve part-time members, six of whom represent management, six of whom represent labour;

(d) four additional part-time members who are health and safety professionals, two selected in consultation with representatives of management and two selected in consultation with representatives of labour; and

(e) the executive director of the Agency, selected in consultation with the other members of the board.

Chair (3) The chair shall be a candidate recommended by the Minister and selected from a list of candidates provided jointly by the vice-chairs.

Idem (4) The vice-chairs shall provide the Minister with a list of candidates for chair.

Idem (5) If the position of chair is vacant, the vice-chairs shall jointly act as chair until the vacancy is filled.

Non-voting members (6) The chair and the executive director are non-voting members of the board.

Procedure (7) The board may make rules governing its procedure.

Remuneration and expenses (8) The members of the board shall be paid such remuneration and expenses as the Lieutenant Governor in Council determines.

Executive director **10a.**—(1) The executive director of the Agency shall manage the operations of the Agency in accordance with the directions of the board of directors.

Staff and consultants (2) The executive director may appoint such employees and retain such other persons to provide professional, technical or other assistance to the Agency as are required for the purposes of the Agency.

Non-application of R.S.O. 1980, c. 418 (3) The *Public Service Act* does not apply with respect to employees of the Agency.

Pension plan 1989, c. 73 (4) The Agency shall be deemed to have been designated by the Lieutenant Governor in Council under the *Public Service Pension Act, 1989* as one whose employees are required to be members of the Public Service Pension Plan.

Annual report **10b.**—(1) The Agency shall file with the Minister not later than the 1st day of June in each year an annual report upon the affairs of the Agency.

- (2) The accounts of the Agency shall be audited annually. Annual audit

7. The said Act is further amended by adding thereto the following sections:

10c.—(1) The functions of the Agency are, and it has the Agency functions
power,

- (a) to develop requirements for the certification of members of committees and other workers;
- (b) to establish and administer, in accordance with the requirements of the Minister, the certification process including the training requirements of members of committees and other workers;
- (c) to certify persons according to requirements established under this Act and standards developed by the Agency;
- (d) to develop and deliver educational and training programs, purchase programs from other institutions and contribute to the development of safety programs by other institutions;
- (e) to make grants or provide funds, or both, for the purposes described in clause (d);
- (f) to promote public awareness of occupational health and safety;
- (g) to provide funding for occupational health and safety research;
- (h) to develop standards for first aid training and education and provide funding for first aid training;
- (i) to develop requirements for the accreditation of employers who operate successful health and safety programs and policies;
- (j) to accredit and revoke the accreditation of employers according to the standards developed by the Agency;
- (k) to advise the Workers' Compensation Board if accredited employers operate in such a manner as to reduce the hazard to workers in the work place;

- (l) to advise the Workers' Compensation Board if employers fail to take sufficient precaution for the prevention of hazards to workers;
- (m) to advise the Minister on matters related to occupational health and safety which may be brought to its attention or be referred to it;
- (n) to oversee the operation of,
 - (i) such occupational health and safety medical clinics as may be designated by regulation,
 - (ii) such safety and accident prevention associations as may be designated by regulation, and
 - (iii) such occupational health and safety training centres as may be designated by regulation;
- (o) to make grants or provide funds, or both, to the organizations referred to in clause (n);
- (p) to provide programs and services for a fee.

Directions to
organizations

(2) The Agency may give directions to the governing body of an organization referred to in clause (1) (n) and the governing body shall comply with the directions.

Funding for
associations

(3) The Agency shall not make a grant or provide funds to an organization referred to in subclause (1) (n) (ii) if a person designated by the Minister advises the Agency that the governing body of the organization does not, in his or her opinion, have an equal number of representatives of management and of workers employed in the sector represented by the organization.

Funding for
training
centres

(4) The Agency shall not make a grant or provide funds to an organization referred to in subclause (1) (n) (iii) if a person designated by the Minister advises the Agency that the governing body of the organization does not, in his or her opinion, have an equal number of representatives of management and of workers.

Commence-
ment

(5) Subsections (3) and (4) come into force two years after the date on which this section comes into force.

Funding re
construction
workers

(6) The Agency shall make payments to persons regularly employed in the construction industry, other than persons who may become members of a committee who represent

management, in respect of the time spent fulfilling the requirements for becoming certified by the Agency.

(7) The Agency shall establish a small business advisory committee, composed of an equal number of representatives of management and of workers in the small business community. Small business advisory committee

(8) If the Agency fails to fulfil any of its functions and the Minister determines that there is a significant public interest at stake, the Minister may take whatever steps are necessary to ensure that the functions are fulfilled. Resolution by Minister

(9) The board of directors may delegate in writing any of the Agency's powers or duties to an employee of the Agency who may act in the place of the Agency. Delegation

8. The said Act is further amended by adding thereto the following sections:

10d.—(1) The Workers' Compensation Board shall transfer annually to the Agency at the beginning of each fiscal year of the Board an amount determined by the Lieutenant Governor in Council. Transfer of funds

(2) The amount to be transferred at the beginning of each fiscal year shall not exceed 110 per cent of the amount transferred at the beginning of the preceding fiscal year. Idem

(3) If an occupational health and safety medical clinic, a safety and accident prevention association or an occupational health and safety training centre is designated for the purposes of clause 10c (1) (n) in one fiscal year, the amount to be transferred at the beginning of the next fiscal year may be greater than the amount permitted under subsection (2). Exception

(4) The amount paid by the Workers' Compensation Board under subsection (1) shall be assessed and levied upon such employers or classes of employers in Schedules 1 and 2 of the *Workers' Compensation Act* and in such manner as the Board considers appropriate. Method of collection
R.S.O. 1980, c. 539

(5) The costs and expenses of the Agency before the beginning of the first fiscal year of the Board after this section comes into force, up to a maximum of 1.5 million dollars, shall form part of the administration expenses of the Workers' Compensation Board. Start-up costs

Transition

(6) The amount to be transferred under subsection (1) at the beginning of the first fiscal year of the Board after this section comes into force shall not exceed 53 million dollars.

9. The said Act is further amended by adding thereto the following sections:

Transfer of
safety associ-
ations
R.S.O. 1980,
c. 539

10e.—(1) The associations formed under section 123 of the *Workers' Compensation Act* before the coming into force of this section, except for the Farm Safety Association of Ontario, are continued under the authority of the Agency.

Regulation

(2) The Lieutenant Governor in Council may, by regulation, transfer responsibility for the Farm Safety Association of Ontario to the Agency, in which case this Act applies to the Association and the *Workers' Compensation Act* does not apply to it.

Transitional
funding

(3) The Workers' Compensation Board shall continue to make payments and grants to and on behalf of the associations referred to in this section as if section 123 of the *Workers' Compensation Act* (as it read immediately before the coming into force of subsection 33 (2) of the *Occupational Health and Safety Statute Law Amendment Act, 1990*) continued to apply to the associations.

Repeal

(4) Subsection (3) is repealed on the date the Workers' Compensation Board makes the first transfer under subsection 10d (1).

Funding of
certain
organizations
R.S.O. 1980,
c. 539

10f.—(1) No grant may be given under clause 71 (3) (j) of the *Workers' Compensation Act* to an organization that receives or that is eligible to receive funds or grants from the Agency under clause 10c (1) (o).

Exception

(2) Subsection (1) does not apply with respect to the period before the Workers' Compensation Board makes the first transfer of funds under subsection 10d (1).

10. The said Act is further amended by adding thereto the following section:

Occupational
health and
safety
adjudicator

10g.—(1) The Lieutenant Governor in Council may appoint an occupational health and safety adjudicator who shall carry out the duties and exercise the powers of the adjudicator under this Act.

Delegation

(2) The adjudicator may delegate in writing any of his or her powers or duties, subject to any limitation or condition set out in the delegation.

11. Subsection 11 (1) of the said Act is amended by striking out “paragraph 1” in the second line and inserting in lieu thereof “paragraph 1b”.



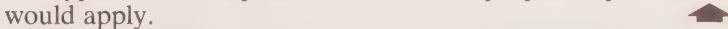
12. The said Act is further amended by adding thereto the following section:

11a.—(1) The Minister shall appoint one or more advisory committees to propose procedures to be used in work places and circumstances described in subsections 23 (1) and (2) in order to protect workers in the circumstances described in subsection 23 (3).

Advisory
committee

(2) An advisory committee shall include an equal number of representatives of employers and of workers employed in the types of work place to which the proposed procedures would apply.

Membership



13. The heading to Part III of the said Act is repealed and the following substituted therefor:

DUTIES OF EMPLOYERS AND OTHER PERSONS

14.—(1) Subsection 14 (2) of the said Act, as amended by the Statutes of Ontario, 1987, chapter 29, section 2, is further amended by striking out “and” at the end of clause (g) and by adding thereto the following clauses:

- (i) prepare and review at least annually a written occupational health and safety policy and develop and maintain a program to implement that policy;
- (j) post at a conspicuous location in the work place a copy of the occupational health and safety policy;
- (k) provide to the committee or to a health and safety representative the results of a report respecting occupational health and safety that is in the employer's possession and, if that report is in writing, a copy of the portions of the report that concern occupational health and safety; and
- (l) advise workers of the results of a report referred to in clause (k) and, if the report is in writing, make available to them on request copies of the portions of the report that concern occupational health and safety.




(2) Section 14 of the said Act, as amended by the Statutes of Ontario, 1987, chapter 29, section 2, is further amended by adding thereto the following subsection:

Idem

(4) Clause (2) (i) does not apply with respect to a work place at which five or fewer employees are regularly employed.

15.—(1) Subsection 15 (1) of the said Act is amended by adding thereto the following clauses:

(ga) establish a medical surveillance program for the benefit of workers as prescribed;

(gb) provide for safety-related medical examinations and tests for workers as prescribed. 

(2) The said subsection 15 (1) is further amended by striking out “and” at the end of clause (h), by adding “and” at the end of clause (i) and by adding thereto the following clause:

(j) carry out such training programs for workers, supervisors and committee members as may be prescribed.

(3) Section 15 of the said Act is amended by adding thereto the following subsection:




Idem

(3) If a worker participates in a prescribed medical surveillance program or undergoes prescribed medical examinations or tests, his or her employer shall pay,

(a) the worker's costs for medical examinations or tests required by the medical surveillance program or required by regulation;


(b) the worker's reasonable travel costs respecting the examinations or tests; and

(c) the time the worker spends to undergo the examinations or tests, including travel time, which shall be deemed to be work time for which the worker shall be paid at his or her premium rate as may be proper. 

16.—(1) Clause 17 (1) (e) of the said Act is repealed.



(2) Section 17 of the said Act is amended by adding thereto the following subsection:

(3) A worker is not required to participate in a prescribed medical surveillance program unless the worker consents to do so. 

Consent to
medical
surveillance

17. The said Act is further amended by adding thereto the following section:

18a.—(1) Before beginning a project, the owner shall determine whether any designated substances are present at the project site and shall prepare a list of all designated substances that are present at the site.

Duty of
project
owners

(2) If any work on a project is tendered, the person issuing the tenders shall include, as part of the tendering information, a copy of the list referred to in subsection (1).

Tenders

(3) An owner shall ensure that a prospective constructor of a project on the owner's property has received a copy of the list referred to in subsection (1) before entering into a binding contract with the constructor.

Idem

(4) The constructor for a project shall ensure that each prospective contractor and subcontractor for the project has received a copy of the list referred to in subsection (1) before the prospective contractor or subcontractor enters into a binding contract for the supply of work on the project.

Duty of
constructors



(5) An owner who fails to comply with this section is liable to the constructor and every contractor and subcontractor who suffers any loss or damages as the result of the subsequent discovery on the project of a designated substance that the owner ought reasonably to have known of but that was not on the list prepared under subsection (1).

Liability

(6) A constructor who fails to comply with this section is liable to every contractor and subcontractor who suffers any loss or damages as the result of the subsequent discovery on the project of a designated substance that was on the list prepared under subsection (1).

Idem

18. Section 19 of the said Act is amended by adding thereto the following subsection:

 (2) An architect as defined in the *Architects Act, 1984* and a professional engineer as defined in the *Professional Engineers Act, 1984* contravenes this Act if, as a result of his or her advice that is given or his or her certification required under this Act that is made negligently or incompetently, a worker is endangered. 

Architects
and engineers
1984, cc. 12,
13

19. The said Act is further amended by adding thereto the following section:

Duties of
directors and
officers of a
corporation

19a. Every director and every officer of a corporation shall take all reasonable care to ensure that the corporation complies with,

- (a) this Act and the regulations;
- (b) orders and requirements of inspectors and Directors; and
- (c) orders of the Minister.

20.—(1) Subsection 21 (1) of the said Act is amended by striking out “or combination of such agents” in the seventh line and in the tenth line and by striking out “or combination of agents” in the eleventh line.

(2) Subsection 21 (2) of the said Act is amended by striking out “or combination of such agents” in the third line and by striking out “or combination of agents” in the tenth line.

(3) Subsection 21 (3) of the said Act is repealed and the following substituted therefor:

Interpretation

(3) For the purpose of this section, a biological or chemical agent is not considered to be new if, before a person manufactures, distributes or supplies the agent, it was used in a work place other than the person's work place or it is included in an inventory compiled or adopted by the Minister.

21. Subsection 22a (7) of the said Act, as enacted by the Statutes of Ontario, 1987, chapter 29, section 3, is repealed and the following substituted therefor:

Floor plans

(7) The employer shall keep readily accessible at the work place a floor plan, as prescribed, showing the names of all hazardous materials and their locations and shall post a notice stating where the floor plan is kept in a place or places where it is most likely to come to the attention of workers.

22.—(1) Clause 22c (1) (c) of the said Act, as enacted by the Statutes of Ontario, 1987, chapter 29, section 3, is amended by inserting after “employer” in the first line “on request or if so prescribed”.

(2) Clause 22c (1) (d) of the said Act, as enacted by the Statutes of Ontario, 1987, chapter 29, section 3, is amended by

inserting after “employer” in the first line “on request or if so prescribed”.

(3) Clause 22c (1) (e) of the said Act, as enacted by the Statutes of Ontario, 1987, chapter 29, section 3, is amended by adding at the end thereof “on request or if so prescribed”.

(4) Subsection 22c (6) of the said Act, as enacted by the Statutes of Ontario, 1987, chapter 29, section 3, is repealed.

23. The heading to Part V of the said Act is repealed and the following substituted therefor:

RIGHT TO REFUSE OR TO STOP WORK
WHERE HEALTH OR SAFETY IN DANGER

24.—(1) Section 23 of the said Act is amended by adding thereto the following subsection:

(3a) Without limiting the generality of subsection (3), a worker may refuse to perform a work activity if the worker has reason to believe that the performance of the work activity is likely to endanger the worker or another worker within the day or a reasonable number of days thereafter. Idem

(2) The said section 23 is further amended by adding thereto the following subsection:

(6a) Without limiting the generality of subsection (6), a worker may refuse to perform a work activity if the worker has reasonable grounds to believe that the performance of the work activity is likely to endanger the worker or another worker within the day or a reasonable number of days thereafter. Idem

(3) Subsection 23 (8) of the said Act is amended by inserting after “thing” in the third line “work activity”.

(4) Section 23 of the said Act is amended by adding thereto the following subsection:

(13) The time that a worker spends as required by subsections (4) and (5) shall be deemed to be work time for which the employer shall pay the worker at the worker's regular or premium rate as may be proper. Entitlement to be paid

25. The said Act is further amended by adding thereto the following sections:

23a.—(1) A certified member who finds that,

Certified member may require work stoppage

- (a) a provision of this Act or the regulations is being contravened;
- (b) the contravention poses a danger or a hazard to a worker; and
- (c) the danger or hazard is such that any delay in controlling it will cause serious risk to a worker,

may direct the employer to stop work specifying the work or the use of any part of a work place or of any equipment, machine, device, article or thing that shall be discontinued.

Investigations
of complaints

(2) If a certified member receives a complaint that the circumstances described in clauses (1) (a), (b) and (c) exist, the certified member may investigate the complaint.

Duty of
employer

(3) An employer shall immediately comply with a direction to stop work.

Investigation

(4) An employer who receives a direction to stop work shall forthwith investigate the circumstance in the presence of the certified member.

In case of
disagreement

(5) If, after an investigation under subsection (4), the employer and the certified member disagree whether a circumstance described in clauses (1) (a) to (c) exists, either of them may notify an inspector who shall investigate and give them a decision in writing on the matter.

Work to
resume

(6) The direction to stop work may be cancelled by a certified member or by an inspector.

Restriction

(7) A direction to stop work may not be given,

- (a) in a work place where workers described in subsection 23 (1) are employed; or
- (b) in an institution, facility or service mentioned in subsection 23 (2) if the life, health or safety of any person or the public may be in imminent jeopardy.

Entitlement
to time from
work

23b. The time spent by a certified member in carrying out his or her duties under section 23a shall be deemed to be work time for which the person's employer shall pay the person at the regular or premium rate as may be proper.

Complaint
re: direction
to stop work

23c.—(1) An employer who has reasonable grounds to believe that a certified member improperly, negligently or in

bad faith exercised a power under subsection 23a (1) or (2) may file a complaint with the Agency.

(2) The Agency shall hold a hearing and make a determination respecting a complaint filed under subsection (1).

Idem

(3) The hearing shall be commenced within twenty working days of receiving the complaint.

Commence-
ment of
hearing

(4) The Agency may establish procedures for the filing and hearing of complaints under this section.

Procedures

(5) The parties to a hearing before the Agency shall be the employer, the certified member and such other persons as the Agency may specify.

Parties

(6) The Agency shall revoke the health and safety certification of a certified member who negligently or in bad faith gave a direction to stop work.

Decertifica-
tion

(7) The Agency may make such order as it considers appropriate if a direction to stop work was given improperly or an investigation of a complaint was carried out improperly, negligently or in bad faith.

Improper
direction

(8) The decision of the Agency is final.

Decision final

(9) If the certificate of a member is revoked by the Agency, that person is ineligible to be re-certified.

Effect of
revocation

26. Subsection 24 (1) of the said Act is amended by striking out “or” where it appears the second time in the second-last line and by adding at the end thereof “or has given evidence in a proceeding in respect of the enforcement of this Act or the regulations or in an inquest under the *Coroners Act*”.

27. Subsections 26 (2) and (3) of the said Act are repealed and the following substituted therefor:

(2) If an employer is advised by or on behalf of a worker that the worker has an occupational illness or that a claim in respect of an occupational illness has been filed with the Workers’ Compensation Board by or on behalf of the worker, the employer shall give notice in writing, within four days of being so advised, to a Director, to the committee or a health and safety representative and to the trade union, if any, containing such information and particulars as may be prescribed.

Notice of
occupational
illness

(3) Subsection (2) applies with all necessary modifications if an employer is advised by or on behalf of a former worker

Idem

that the worker has or had an occupational illness or that a claim in respect of an occupational illness has been filed with the Workers' Compensation Board by or on behalf of the worker.

28.—(1) Clause 28 (1) (e) of the said Act is amended by striking out “or” in the second line and by inserting after “agent” in the third line “or work activity”.

(2) Subsection 28 (1) of the said Act, as amended by the Statutes of Ontario, 1987, chapter 29, section 4, is further amended by striking out “and” at the end of clause (k), by adding “and” at the end of clause (l) and by adding thereto the following clauses:

(ea) require in writing an employer to cause any tests described in clause (e) to be conducted or taken, at the expense of the employer, by a person possessing such special expert or professional knowledge or qualifications as are specified by the inspector and to provide, at the expense of the employer, a report or assessment by that person;

.

(ia) require in writing an employer to have equipment, machinery or devices tested, at the expense of the employer, by a professional engineer and to provide, at the expense of the employer, a report bearing the seal and signature of the professional engineer stating that the equipment, machine or device is not likely to endanger a worker;

(ib) require in writing that any equipment, machinery or device not be used pending testing described in clause (ia);

.

(m) require the production of any materials concerning the content, frequency and manner of instruction of any training program and inspect, examine and copy the materials and attend any such program.

29. The said Act is further amended by adding thereto the following sections:

Order for
inspections

28a. Subject to subsection 8 (8c), an inspector may in writing direct a health and safety representative or a member

designated under subsection 8 (8) to inspect the physical condition of all or part of a work place at specified intervals.

28b.—(1) An inspector may, in the course of inspecting a work place, seize and carry away any document or thing that the inspector considers affords evidence as to the commission of an offence under this Act.

Seizure of documents or things

(2) Nothing shall be detained by an inspector under subsection (1) for a period of more than three months after the time of seizure unless,

Time limit for detention

(a) upon an application under subsection 143 (2) of the *Provincial Offences Act*, a justice orders its further detention; or

R.S.O. 1980, c. 400

(b) proceedings are instituted in which the document or thing detained may be required.

(3) Subsections 143 (1), (3) and (4) of the *Provincial Offences Act* apply with respect to the detained document or thing with such modifications as the circumstances require.

Application of R.S.O. 1980, c. 400, s. 143 (1, 3, 4)

30.—(1) Section 29 of the said Act, as amended by the Statutes of Ontario, 1987, chapter 29, section 5, is further amended by adding thereto the following subsection:

(3a) An order made under subsection (1) may require a constructor or an employer to submit a compliance plan to the Ministry specifying what the constructor or employer intends to do to comply with the order and when the constructor or employer intends to achieve compliance and the compliance plan shall be prepared in the manner and include such items as are required by the order.

Compliance plan

(2) Clause 29 (4) (a) of the said Act is amended by inserting after “used” in the third line “or any work activity shall not be performed”.

(3) Clause 29 (4) (b) of the said Act is repealed and the following substituted therefor:

(b) order that work at the work place as indicated in the order shall stop until the order to stop work is withdrawn or cancelled by an inspector after an inspection.

(4) The said section 29, as amended by the Statutes of Ontario, 1987, chapter 29, section 5, is further amended by

renumbering subsection (4a) as subsection (4b) and by adding thereto the following subsection:

Resumption
of work
pending
inspection

(4a) Notwithstanding clause (4) (b), a constructor or an employer who gives notice to an inspector of compliance with an order made under subsection (4) may resume work pending an inspection and decision by an inspector respecting compliance with the order if, before the resumption of work, a committee member representing workers or a health and safety representative, as the case may be, advises an inspector that in his or her opinion the order has been complied with.

31. The said Act is further amended by adding thereto the following section:

Notice of
compliance

30a.—(1) Within three days after a constructor or employer who has received an order under section 29 believes that compliance with the order has been achieved, the constructor or employer shall submit to the Ministry a notice of compliance.

Idem

(2) The notice shall be signed by the constructor or employer and shall be accompanied by,

- (a) a statement of agreement or disagreement with the contents of the notice, signed by a member of the committee representing workers or by a health and safety representative, as the case may be; or
- (b) a statement that the member or representative has declined to sign the statement referred to in clause (a).

Idem

(3) The constructor or employer shall post the notice and the order issued under section 29 for a period of fourteen days following its submission to the Ministry in a place or places in the work place where it is most likely to come to the attention of workers.

Compliance
achieved

(4) Notwithstanding the submission of a notice of compliance, a constructor or employer achieves compliance with an order under section 29 when an inspector determines that compliance has been achieved.

32. Section 34 of the said Act, as amended by the Statutes of Ontario, 1987, chapter 29, section 6 and 1988, chapter 58, section 5, is further amended by adding thereto the following subsection:

(1a) No employer shall seek to gain access, except by an order of a court or other tribunal, to a health record concerning a worker without the worker's written consent.

Employer
access to
health
records

33. Subsection 36 (1) of the said Act is amended by inserting after "Ministry" in the third line "a person who acts as an advisor for the Ministry, the directors, executive director and employees of the Agency".

34. Section 37 of the said Act is amended by adding thereto the following subsection:

(1a) If a corporation is convicted of an offence under subsection (1), the maximum fine that may be imposed upon the corporation is \$500,000 and not as provided therein.

Idem

35. Subsection 38 (1) of the said Act is amended by striking out "or" at the end of clause (b), by adding "or" at the end of clause (c) and by adding thereto the following clause:

- (d) a document purporting to certify the result of a test or an analysis of any equipment, machine, device, article, thing or substance and purporting to be certified by an inspector,

.

36. Section 39 of the said Act is amended by adding thereto the following subsection:

(2) The Attorney General or an agent for the Attorney General may by notice to the clerk of the court having jurisdiction in respect of an offence under this Act require that a provincial judge preside over the proceeding.

Provincial
judge
required

37. Subsection 41 (2) of the said Act, as amended by the Statutes of Ontario, 1987, chapter 29, section 7 and 1988, chapter 58, section 6, is further amended by adding thereto the following paragraphs:

- 8a. prescribing classes of work places for which and circumstances under which a committee shall consist of more than four persons and in each case prescribing the number of persons;
- 8b. prescribing employers or work places or classes thereof for the purposes of clause 8 (1) (b);
- 8c. exempting any work place, industry, activity, business, work, trade occupation, profession, construc-

tor or employer or any class thereof from the application of subsection 8 (2);

8d. respecting the conditions for eligibility, qualifications, selection and term of committee members, including certified members, and the operation of the committee;

8e. exempting any class of work places from the requirement set out in subsection 8 (5f);

8f. prescribing occupational health and safety medical clinics, safety and accident prevention associations and occupational health and safety training centres for the purposes of clause 10c (1) (n);

.

10a. prescribing classes of employers who shall establish and maintain a medical surveillance program in which workers may volunteer to participate;

10b. governing medical surveillance programs;

.

21a. prescribing training programs that employers shall provide;

21b. increasing the number of certified members required on a committee;

21c. prescribing floor plans for the purposes of subsection 22a (7);

21d. exempting any class of work places from any provision set out in section 23a;

.

29. prescribing by class of employer the intervals at which a health and safety representative or a committee member designated under subsection 8 (8) shall inspect all or part of a work place;

30. establishing criteria for determining, for the purpose of section 25, whether a person is critically injured.

38.—(1) Section 91 of the *Workers' Compensation Act*, being chapter 539 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following subsection:

(6a) The Board may take into account recommendations made by the Workplace Health and Safety Agency established under the *Occupational Health and Safety Act* in reaching its opinion under subsection (4) or (6).

Recommendations
R.S.O. 1980, c. 321

(2) Section 123 of the said Act is repealed and the following substituted therefor:

123.—(1) The employers in any class of farm-related activity may, with the approval and under the control of the Board, form themselves into an association for the purpose of education in accident prevention.

Accident prevention associations

(2) If the Board is of opinion that an association so formed sufficiently represents the employers included in the class, the Board may approve rules of operation and, when approved by the Board and by the Lieutenant Governor in Council, they are binding on all the employers included in the class.

Rules of operation

(3) Where an association under the authority of its rules of operation appoints an inspector or an expert for the purpose of education in accident prevention, the Board may pay the whole or any part of the salary or remuneration of such inspector or expert out of the accident fund or out of that part of it that is at the credit of any one or more of the classes as the Board considers just.

Inspectors

(4) The Board may, in any case that it considers proper, make a grant towards the expenses of any such association.

Expenses of associations

(5) Any moneys paid by the Board under this section shall be charged against the class represented by such association and levied as part of the assessment against such class.

Where charged

(6) The word "class" in this section includes subclass or such part of a class or such number of classes or parts of classes as may be approved by the Board.

Definition "catégorie"

39. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Commencement

40. The short title of this Act is the *Occupational Health and Safety Statute Law Amendment Act, 1990*.

Short title

Bill 208

*(Chapter 7
Statutes of Ontario, 1990)*

An Act to amend the Occupational Health and Safety Act and the Workers' Compensation Act

The Hon. G. Phillips
Minister of Labour



<i>1st Reading</i>	January 24th, 1989
<i>2nd Reading</i>	October 23rd, 1989
<i>3rd Reading</i>	June 19th, 1990
<i>Royal Assent</i>	June 21st, 1990

*Continued from the 1st Session by an Order of the
Legislative Assembly of March 2nd, 1989.*

Bill 208

1989

**An Act to amend the
Occupational Health and Safety Act
and the Workers' Compensation Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Section 1 of the *Occupational Health and Safety Act*, being chapter 321 of the Revised Statutes of Ontario, 1980, as amended by the Statutes of Ontario, 1986, chapter 64, section 44 and 1987, chapter 29, section 1, is further amended by re-numbering paragraph 1 as paragraph 1b and by adding thereto the following paragraphs:

1. “adjudicator” means the occupational health and safety adjudicator appointed under subsection 10g (1);
- 1a. “Agency” means the Workplace Health and Safety Agency established under section 10;
- 1aa. “certified member” means a committee member who is certified by the Agency under clause 10c (1) (c).

(2) Paragraph 3 of the said section 1 is amended by adding at the end thereof “but does not include any work or undertaking underground in a mine”.

(3) The said section 1 is further amended by adding thereto the following paragraph:

- 14a. “licensee” means a person who holds a logging licence under the *Crown Timber Act*.

R.S.O. 1980,
c. 109

(4) Paragraph 15 of the said section 1 is amended by inserting after “logs” in the fourth line “the maintenance of haul roads, scarification, the carrying out of planned burns, the practice of silviculture”.

(5) Subparagraph ii of paragraph 23 of the said section 1 is repealed.

(6) The said section 1 is further amended by adding thereto the following subsections:

Ship under
repair

(2) For the purposes of this Act and the regulations, a ship being manufactured or under repair shall be deemed to be a project.

Limitation

(3) An owner does not become a constructor by virtue only of the fact that the owner has engaged an architect, professional engineer or other person solely to oversee quality control at a project.

2. The said Act is amended by adding thereto the following section:

Self-
employed
persons

3a. Subsections 14 (1), clauses 15 (1) (c), (e), (f) and (g), subsection 20 (1) and sections 21, 22a, 22b, 22c, 22d, 22e, 22f, 25, 26, 28, 29, 29a, 30a, 31, 32, 33, 37, 38, 39 and 40, and the regulations in relation thereto, apply with necessary modifications to a self-employed person.

3.—(1) Subsections 7 (1) and (2) of the said Act are repealed and the following substituted therefor:

Mandatory
selection of
health and
safety
representative

(1) At a project or other work place where no committee is required under section 8 and where the number of workers regularly exceeds five, the constructor or employer shall cause the workers to select at least one health and safety representative from among the workers at the work place who do not exercise managerial functions.

Order
appointing
health and
safety
represent-
atives

(2) If no health and safety representative is required under subsection (1) and no committee is required under section 8 for a work place, the Minister may, by order in writing, require a constructor or employer to cause the workers to select one or more health and safety representatives from among the workers at the work place or part thereof who do not exercise managerial functions, and may provide in the order for the qualifications of such representatives.

(2) Subsection 7 (6) of the said Act is repealed and the following substituted therefor:

Inspections

(6) Unless otherwise required by the regulations or by an order by an inspector, a health and safety representative shall inspect the physical condition of the work place at least once a month.

(6a) If it is not practical to inspect the work place at least once a month, the health and safety representative shall inspect the physical condition of the work place at least once a year, inspecting at least a part of the work place in each month. Idem

(6b) The inspection required by subsection (6a) shall be undertaken in accordance with a schedule agreed upon by the constructor or employer and the health and safety representative. Schedule of inspections

(6c) The constructor, employer and workers shall provide a health and safety representative with such information and assistance as the member may require for the purpose of carrying out an inspection of the work place. Inspections

(3) Section 7 of the said Act is amended by adding thereto the following subsections:

(7a) A health and safety representative has the power, Powers of representative

- (a) to obtain information from the constructor or employer concerning the conducting or taking of tests of any equipment, machine, device, article, thing, material or biological, chemical or physical agent in or about a work place for the purpose of occupational health and safety;
- (b) to be consulted about, and be present at the beginning of, testing referred to in clause (a) conducted in or about the work place if the representative believes his or her presence is required to ensure that valid testing procedures are used or to ensure that the test results are valid; and
- (c) to obtain information from the constructor or employer respecting,
 - (i) the identification of potential or existing hazards of materials, processes or equipment, and
 - (ii) health and safety experience and work practices and standards in similar or other industries of which the constructor or employer has knowledge.

(7b) A constructor or employer who receives written recommendations from a health and safety representative shall respond in writing within twenty-one days. Response to recommendations

Idem

(7c) A response of a constructor or employer under subsection (7b) shall contain a timetable for implementing the recommendations the constructor or employer agrees with and give reasons that the constructor or employer disagrees with any recommendations that the constructor or employer does not accept.

(4) Subsection 7 (10) of the said Act is amended by striking out “subsections (6), (7) and (8)” in the eighth line and inserting in lieu thereof “this section”.

4.—(1) Subsection 8 (1) of the said Act is repealed and the following substituted therefor:

Application

(1) Subject to subsection (3), this section does not apply,

- (a) to a constructor at a project at which work is expected to last less than three months; or
- (b) to a prescribed employer or work place or class of employers or work places.

(2) Subsection 8 (2) of the said Act is repealed and the following substituted therefor:

Joint health
and safety
committee

(2) A joint health and safety committee is required,

- (a) at a work place at which twenty or more workers are regularly employed;
- (b) at a work place with respect to which an order to an employer is in effect under section 20; or
- (c) at a work place, other than a construction project where fewer than twenty workers are regularly employed, with respect to which a regulation concerning designated substances applies.

(3) Section 8 of the said Act is amended by adding thereto the following subsection:

Establish-
ment of
committee

(3a) The constructor or employer shall cause a joint health and safety committee to be established and maintained at the work place unless the Minister is satisfied that a committee of like nature or an arrangement, program or system in which the workers participate is, on the date this Act comes into force, established and maintained pursuant to a collective agreement or other agreement or arrangement and that such committee, arrangement, program or system provides benefits for the health and safety of the workers equal to, or greater

than, the benefits to be derived under a committee established under this section.

(4) Subsection 8 (5) of the said Act is repealed and the following substituted therefor:

(5) A committee shall consist of, Composition of committee

- (a) at least two persons, for a work place where fewer than fifty workers are regularly employed; or
- (b) at least four persons or such greater number of people as may be prescribed, for a work place where fifty or more workers are regularly employed.

(5a) At least half the members of a committee shall be workers employed at the work place who do not exercise managerial functions. Idem

(5b) The members of a committee who represent workers shall be selected by the workers they are to represent or, if a trade union or unions represent the workers, by the trade union or unions. Selection of members

(5c) The constructor or employer shall select the remaining members of a committee from among persons who exercise managerial functions for the constructor or employer and, to the extent possible, who do so at the work place. Idem

(5d) A member of the committee who ceases to be employed at the work place ceases to be a member of the committee. Requirement for committee membership

(5e) Two of the members of a committee shall co-chair the committee, one of whom shall be selected by the members who represent workers and the other of whom shall be selected by the members who exercise managerial functions. Committee to be co-chaired

(5) Section 8 of the said Act is further amended by adding thereto the following subsections:

(5f) Unless otherwise prescribed, a constructor or employer shall ensure that at least one member of the committee representing the constructor or employer and at least one member representing workers are certified members. Certification requirement

(5g) Subsection (5f) does not apply with respect to a project where fewer than fifty workers are regularly employed or that is expected to last less than three months. Idem

Designation
of member
to be
certified

(5h) If no member representing workers is a certified member, the workers or the trade unions who selected the members representing workers shall select from among them one or more who are to become certified.

Designation
of certified
members

(5i) If there is more than one certified member representing workers, the workers or the trade unions who selected the members representing workers shall designate one or more certified members who then become solely entitled to exercise the rights and required to perform the duties under this Act of a certified member representing workers.

Idem

(5j) If there is more than one certified member representing the constructor or employer, the constructor or employer shall designate one or more of them who then become solely entitled to exercise the rights and required to perform the duties under this Act of a certified member representing a constructor or an employer.

Replacement
of certified
member

(5k) If a certified member resigns or is unable to act, the constructor or employer shall, within a reasonable time, take all steps necessary to ensure that the requirement set out in subsection (5f) is met.

(6) Subsection 8 (6) of the said Act is amended by striking out “and” at the end of clause (c) and by adding thereto the following clauses:

- (e) obtain information from the constructor or employer concerning the conducting or taking of tests of any equipment, machine, device, article, thing, material or biological, chemical or physical agent in or about a work place for the purpose of occupational health and safety; and
- (f) be consulted about, and have a designated member representing workers be present at the beginning of, testing referred to in clause (e) conducted in or about the work place if the designated member believes his or her presence is required to ensure that valid testing procedures are used or to ensure that the test results are valid.

(7) Section 8 of the said Act is further amended by adding thereto the following subsections:

Idem

(6a) The members of the committee who represent workers shall designate one of them who is entitled to be present at the beginning of testing described in clause (6) (f).

(6b) A constructor or employer who receives written recommendations from a committee shall respond in writing within twenty-one days.

Response to
recommen-
dations

(6c) A response of a constructor or employer under subsection (6b) shall contain a timetable for implementing the recommendations the constructor or employer agrees with and give reasons that the constructor or employer disagrees with any recommendations that the constructor or employer does not accept.

Idem

(8) Subsection 8 (8) of the said Act is repealed and the following substituted therefor:

(8) Subject to subsection (8a), the members of a committee who represent workers shall designate a member representing workers to inspect the physical condition of the work place.

Inspections

(8a) If possible, the member designated under subsection (8) shall be a certified member.

Idem

(8b) The members of a committee are not required to designate the same member to perform all inspections or to perform all of a particular inspection.

Idem

(8c) Unless otherwise required by the regulations or by an order by an inspector, a member designated under subsection (8) shall inspect the physical condition of the work place at least once a month.

Idem

(8d) If it is not practical to inspect the work place at least once a month, the member designated under subsection (8) shall inspect the physical condition of the work place at least once a year, inspecting at least a part of the work place in each month.

Idem

(8e) The inspection required by subsection (8d) shall be undertaken in accordance with a schedule established by the committee.

Schedule of
inspections

(8f) The constructor, employer and the workers shall provide a member designated under subsection (8) with such information and assistance as the member may require for the purpose of carrying out an inspection of the work place.

Inspections

(8g) The member shall inform the committee of situations that may be a source of danger or hazard to workers and the committee shall consider such information within a reasonable period of time.

Information
reported to
the
committee

(9) Subsection 8 (12) of the said Act is repealed and the following substituted therefor:

Entitlement
to time from
work

(12) A member of a committee is entitled to,

- (a) one hour or such longer period of time as the committee determines is necessary to prepare for each committee meeting;
- (b) such time as is necessary to attend meetings of the committee; and
- (c) such time as is necessary to carry out the member's duties under subsections (8c), (8d) and (9).

Entitlement
to be paid

(12a) A member of a committee shall be deemed to be at work during the times described in subsection (12) and the member's employer shall pay the member for those times at the member's regular or premium rate as may be proper.

Idem

(12b) A member of a committee shall be deemed to be at work while the member is fulfilling the requirements for becoming certified by the Agency and the member's employer shall pay the member for the time spent at the member's regular or premium rate as may be proper.

Exception

(12c) Subsection (12b) does not apply with respect to workers who are paid by the Agency for the time spent fulfilling the requirements for becoming certified.

(10) Subsection 8 (14) of the said Act is amended by inserting after "by" in the third line "a constructor or" and by inserting after "consulting" in the fourth line "the constructor or".

5. The said Act is further amended by adding thereto the following sections:

Worker
trades
committee

8a.—(1) If a committee is required at a project, other than a project where fewer than fifty workers are regularly employed or that is expected to last less than three months, the committee shall establish a worker trades committee for the project.

Committee
membership

(2) The members of a worker trades committee shall represent workers employed in each of the trades at the work place.

Selection of
members

(3) The members of a worker trades committee shall be selected by the workers employed in the trades the members

are to represent or, if a trade union represents the workers, by the trade union.

(4) It is the function of a worker trades committee to inform the committee at the work place of the health and safety concerns of the workers employed in the trades at the work place.

Function of
worker trades
committee

(5) Subject to subsection (6), a member of a worker trades committee is entitled to such time from work as is necessary to attend meetings of the worker trades committee and the time so spent shall be deemed to be work time for which the member shall be paid by the employer at the member's regular or premium rate as may be proper.

Entitlement
to time from
work

(6) The committee for a work place shall determine the maximum amount of time for which members of a worker trades committee for the work place are entitled to be paid under subsection (5) for each meeting of the worker trades committee.

Committee to
determine
maximum
entitlement

8b.—(1) The constructor or employer at a work place shall consult a health and safety representative or the committee with respect to proposed testing strategies for investigating industrial hygiene at the work place.

Consultation
on industrial
hygiene
testing

(2) The constructor or employer shall provide information to a health and safety representative or the committee concerning testing strategies to be used to investigate industrial hygiene at the work place.

Information

(3) A health and safety representative or a designated committee member representing workers at a work place is entitled to be present at the beginning of testing conducted with respect to industrial hygiene at the work place if the representative or member believes his or her presence is required to ensure that valid testing procedures are used or to ensure that the test results are valid.

Attendance
at testing

(4) The committee members representing workers shall designate one of them for the purpose of subsection (3).

Designation
of member

6. Section 10 of the said Act is repealed and the following substituted therefor:

10.—(1) An agency to be known as the Workplace Health and Safety Agency is established.

Workplace
Health and
Safety
Agency

Board of
directors

(2) The Agency is composed of a board of directors, appointed by the Lieutenant Governor in Council, consisting of,

- (a) one chair, selected in accordance with subsection (3);
- (b) two full-time vice-chairs, one of whom represents management and one of whom represents labour;
- (c) twelve part-time members, six of whom represent management, six of whom represent labour;
- (d) four additional part-time members who are health and safety professionals, two selected in consultation with representatives of management and two selected in consultation with representatives of labour; and
- (e) the executive director of the Agency, selected in consultation with the other members of the board.

Chair

(3) The chair shall be a candidate recommended by the Minister and selected from a list of candidates provided jointly by the vice-chairs.

Idem

(4) The vice-chairs shall provide the Minister with a list of candidates for chair.

Idem

(5) If the position of chair is vacant, the vice-chairs shall jointly act as chair until the vacancy is filled.

Non-voting
members

(6) The chair and the executive director are non-voting members of the board.

Procedure

(7) The board may make rules governing its procedure.

Remuner-
ation and
expenses

(8) The members of the board shall be paid such remuneration and expenses as the Lieutenant Governor in Council determines.

Executive
director

10a.—(1) The executive director of the Agency shall manage the operations of the Agency in accordance with the directions of the board of directors.

Staff and
consultants

(2) The executive director may appoint such employees and retain such other persons to provide professional, technical or other assistance to the Agency as are required for the purposes of the Agency.

(3) The *Public Service Act* does not apply with respect to employees of the Agency.

Non-application of R.S.O. 1980, c. 418

(4) The Agency shall be deemed to have been designated by the Lieutenant Governor in Council under the *Public Service Pension Act, 1989* as one whose employees are required to be members of the Public Service Pension Plan.

Pension plan 1989, c. 73

10b.—(1) The Agency shall file with the Minister not later than the 1st day of June in each year an annual report upon the affairs of the Agency.

Annual report

(2) The accounts of the Agency shall be audited annually.

Annual audit

7. The said Act is further amended by adding thereto the following sections:

10c.—(1) The functions of the Agency are, and it has the power,

Agency functions

- (a) to develop requirements for the certification of members of committees and other workers;
- (b) to establish and administer, in accordance with the requirements of the Minister, the certification process including the training requirements of members of committees and other workers;
- (c) to certify persons according to requirements established under this Act and standards developed by the Agency;
- (d) to develop and deliver educational and training programs, purchase programs from other institutions and contribute to the development of safety programs by other institutions;
- (e) to make grants or provide funds, or both, for the purposes described in clause (d);
- (f) to promote public awareness of occupational health and safety;
- (g) to provide funding for occupational health and safety research;
- (h) to develop standards for first aid training and education and provide funding for first aid training;

- (i) to develop requirements for the accreditation of employers who operate successful health and safety programs and policies;
- (j) to accredit and revoke the accreditation of employers according to the standards developed by the Agency;
- (k) to advise the Workers' Compensation Board if accredited employers operate in such a manner as to reduce the hazard to workers in the work place;
- (l) to advise the Workers' Compensation Board if employers fail to take sufficient precaution for the prevention of hazards to workers;
- (m) to advise the Minister on matters related to occupational health and safety which may be brought to its attention or be referred to it;
- (n) to oversee the operation of,
 - (i) such occupational health and safety medical clinics as may be designated by regulation,
 - (ii) such safety and accident prevention associations as may be designated by regulation, and
 - (iii) such occupational health and safety training centres as may be designated by regulation;
- (o) to make grants or provide funds, or both, to the organizations referred to in clause (n);
- (p) to provide programs and services for a fee.

Directions to organizations

(2) The Agency may give directions to the governing body of an organization referred to in clause (1) (n) and the governing body shall comply with the directions.

Funding for associations

(3) The Agency shall not make a grant or provide funds to an organization referred to in subclause (1) (n) (ii) if a person designated by the Minister advises the Agency that the governing body of the organization does not, in his or her opinion, have an equal number of representatives of management and of workers employed in the sector represented by the organization.

Funding for training centres

(4) The Agency shall not make a grant or provide funds to an organization referred to in subclause (1) (n) (iii) if a person

- (b) a health and safety representative; or
- (c) a worker who because of his or her knowledge, experience and training is selected by the trade union that represents the worker or, if there is no trade union, by the workers to represent them.

(13) A person shall be deemed to be at work and the person's employer shall pay him or her at the regular or premium rate, as may be proper, Entitlement to be paid

- (a) for the time spent by the person carrying out the duties under subsections (4) and (7) of a person mentioned in clause (4) (a), (b) or (c); and
- (b) for time spent by the person carrying out the duties under subsection (11) of a person described in subsection (12).

25. The said Act is further amended by adding thereto the following sections:

23a.—(1) In sections 23b to 23e, “dangerous circumstances” means a situation in which, Dangerous circumstances

- (a) a provision of this Act or the regulations is being contravened;
- (b) the contravention poses a danger or a hazard to a worker; and
- (c) the danger or hazard is such that any delay in controlling it may seriously endanger a worker.

(2) Sections 23b to 23f do not apply with respect to, Non-application

- (a) a work place at which workers described in clause 23 (2) (a), (b) or (c) are employed; or
- (b) a work place at which workers described in clause 23 (2) (d) are employed if a work stoppage would directly endanger the life, health or safety of another person.

23b.—(1) A certified member who has reason to believe that dangerous circumstances exist at a work place may request that a supervisor investigate the matter and the supervisor shall promptly do so in the presence of the certified member. Bilateral work stoppage

Investigation
by second
certified
member

(2) The certified member may request that a second certified member representing the other work place party investigate the matter if the first certified member has reason to believe that dangerous circumstances continue after the supervisor's investigation and remedial actions, if any.

Idem

(3) The second certified member shall promptly investigate the matter in the presence of the first certified member.

Direction
following
investigation

(4) If both certified members find that the dangerous circumstances exist, the certified members may direct the constructor or employer to stop the work or to stop the use of any part of a work place or of any equipment, machine, device, article or thing.

Constructor's
or employer's
duties

(5) The constructor or employer shall immediately comply with the direction and shall ensure that compliance is effected in a way that does not endanger a person.

Investigation
by inspector

(6) If the certified members do not agree whether dangerous circumstances exist, either certified member may request that an inspector investigate the matter and the inspector shall do so and provide the certified members with a written decision.

Cancellation
of direction

(7) After taking steps to remedy the dangerous circumstances, the constructor or employer may request the certified members or an inspector to cancel the direction.

Idem

(8) The certified members who issued a direction may jointly cancel it or an inspector may cancel it.

Delegation
by certified
member

(9) In such circumstances as may be prescribed, a certified member who represents the constructor or employer shall designate a person to act under this section in his or her stead when the certified member is not available at the work place.

Declaration
against
constructor,
etc.

23c.—(1) A certified member at a work place or an inspector who has reason to believe that the procedure for stopping work set out in section 23b will not be sufficient to protect a constructor's or employer's workers at the work place from serious risk to their health or safety may apply to the adjudicator for a declaration or recommendation described in subsection (5), or both.

Notice

(2) An applicant shall give written notice of an application to the constructor or employer and to a Director.

Minister a
party

(3) The Minister is entitled to be a party to a proceeding before the adjudicator.

(4) The Minister may appoint an inspector to attempt to mediate a settlement of the issues between the applicant and the constructor or employer at any time after an application is made.

Mediation

(5) If the adjudicator finds that the procedure for stopping work set out in section 23b will not be sufficient to protect the constructor's or employer's workers at the work place from serious risk to their health or safety, the adjudicator,

Declaration
and
recommen-
dation

- (a) may issue a declaration that the constructor or employer is subject to the procedure for stopping work set out in section 23d for the period specified; and
- (b) may recommend to the Minister that an inspector be assigned to oversee the health and safety practices of the constructor or employer at the work place on a full-time or part-time basis for a specified period.

(6) In making a finding under subsection (5), the adjudicator shall determine, using the prescribed criteria, whether the constructor or employer has demonstrated a failure to protect the health and safety of workers and shall consider such other matters as may be prescribed.

Criteria

(7) The decision of the adjudicator on an application is final.

Decision final

(8) The employer shall reimburse the Treasurer of Ontario for the wages, benefits and expenses of an inspector assigned to the employer as recommended by the adjudicator.

Costs of
inspector

23d.—(1) This section applies, and section 23b does not apply, with respect to a constructor or an employer,

Unilateral
work
stoppage

- (a) against whom the adjudicator has issued a declaration under section 23c; or
- (b) who advises the committee at a work place in writing that the constructor or employer adopts the procedures set out in this section respecting work stoppages.

(2) A certified member may direct the constructor or employer to stop specified work or to stop the use of any part of a work place or of any equipment, machine, device, article or thing if the certified member finds that dangerous circumstances exist.

Direction re
work
stoppage

Constructor's
or employer's
duties.

(3) The constructor or employer shall immediately comply with the direction and shall ensure that compliance is effected in a way that does not endanger a person.

Investigation
by
constructor,
etc.

(4) After complying with the direction, the constructor or employer shall promptly investigate the matter in the presence of the certified member.

Investigation
by inspector

(5) If the certified member and the constructor or employer do not agree whether dangerous circumstances exist, the constructor or employer or the certified member may request that an inspector investigate the matter and the inspector shall do so and provide them with a written decision.

Cancellation
of direction

(6) After taking steps to remedy the dangerous circumstances, the constructor or employer may request the certified member or an inspector to cancel the direction.

Idem

(7) The certified member who made the direction or an inspector may cancel it.

Entitlement
to investigate

23e.—(1) A certified member who receives a complaint that dangerous circumstances exist is entitled to investigate the complaint.

Entitlement
to be paid

(2) The time spent by a certified member in exercising powers and carrying out duties under this section and sections 23b and 23d shall be deemed to be work time for which the member's employer shall pay the member at the regular or premium rate as may be proper.

Complaint re
direction to
stop work

23f.—(1) A constructor, an employer, a worker at the work place or a representative of a trade union that represents workers at the work place may file a complaint with the adjudicator if he, she or it has reasonable grounds to believe that a certified member at the work place recklessly or in bad faith exercised or failed to exercise a power under section 23b or 23d.

Limitation

(2) A complaint must be filed not later than fourteen days after the event to which the complaint relates.

Minister a
party

(3) The Minister is entitled to be a party to a proceeding before the adjudicator.

Determi-
nation of
complaint

(4) The adjudicator shall make a decision respecting the complaint and may make such order as he or she considers appropriate in the circumstances including an order decertifying a certified member.

(5) The decision of the adjudicator is final.

Decision final

26. Subsection 24 (1) of the said Act is amended by striking out “or” where it appears the second time in the second-last line and by adding at the end thereof “or has given evidence in a proceeding in respect of the enforcement of this Act or the regulations or in an inquest under the *Coroners Act*”.

27. Subsections 26 (2) and (3) of the said Act are repealed and the following substituted therefor:

(2) If an employer is advised by or on behalf of a worker that the worker has an occupational illness or that a claim in respect of an occupational illness has been filed with the Workers' Compensation Board by or on behalf of the worker, the employer shall give notice in writing, within four days of being so advised, to a Director, to the committee or a health and safety representative and to the trade union, if any, containing such information and particulars as may be prescribed.

Notice of
occupational
illness

(3) Subsection (2) applies with all necessary modifications if an employer is advised by or on behalf of a former worker that the worker has or had an occupational illness or that a claim in respect of an occupational illness has been filed with the Workers' Compensation Board by or on behalf of the worker.

Idem

28.—(1) Subsection 28 (1) of the said Act, as amended by the Statutes of Ontario, 1987, chapter 29, section 4, is further amended by striking out “and” at the end of clause (k), by adding “and” at the end of clause (l) and by adding thereto the following clauses:

(ea) require in writing an employer to cause any tests described in clause (e) to be conducted or taken, at the expense of the employer, by a person possessing such special expert or professional knowledge or qualifications as are specified by the inspector and to provide, at the expense of the employer, a report or assessment by that person;

.

(ia) require in writing an employer to have equipment, machinery or devices tested, at the expense of the employer, by a professional engineer and to provide, at the expense of the employer, a report bearing the seal and signature of the professional engineer stating that the equipment, machine or device is not likely to endanger a worker;

- (ib) require in writing that any equipment, machinery or device not be used pending testing described in clause (ia);

.

- (m) require the production of any materials concerning the content, frequency and manner of instruction of any training program and inspect, examine and copy the materials and attend any such program.

(2) Subclause 28 (1) (j) (iii) of the said Act is repealed and the following substituted therefor:

- (iii) that a floor, roof or temporary work, or part of a building, structure or temporary work is capable of supporting or withstanding all loads to which it may be subjected without causing the materials therein to be stressed beyond the allowable unit stresses established under the *Building Code Act* or established by regulation.

R.S.O. 1980,
c. 51

29. The said Act is further amended by adding thereto the following sections:

Order for
inspections

28a. Subject to subsection 8 (8c), an inspector may in writing direct a health and safety representative or a member designated under subsection 8 (8) to inspect the physical condition of all or part of a work place at specified intervals.

Seizure of
documents or
things

28b.—(1) While acting under the authority of this Act, an inspector may, without a warrant or court order, seize any thing that is produced to him or her or that is in plain view if the inspector reasonably believes that this Act or a regulation has been contravened and that the thing will afford evidence of the contravention.

Possession

(2) The inspector may remove the thing seized or may detain it in the place in which it is seized.

Notice and
receipt

(3) The inspector shall inform the person from whom the thing is seized as to the reason for the seizure and shall give the person a receipt for it.

Report to
justice

(4) The inspector shall bring a thing seized under the authority of this section before a provincial judge or justice of the peace or, if that is not reasonably possible, shall report the seizure to a provincial judge or justice of the peace.

(5) Sections 143 and 144 of the *Provincial Offenses Act* apply with necessary modifications in respect of a thing seized under the authority of this section.

Application
of
R.S.O. 1980,
c. 400,
ss. 143, 144

30.—(1) Subsection 29 (1) of the said Act is amended by inserting after “constructor” in the third line “licensee”.

(2) Section 29 of the said Act, as amended by the Statutes of Ontario, 1987, chapter 29, section 5, is further amended by adding thereto the following subsections:

(3a) An order made under subsection (1) may require a constructor, a licensee or an employer to submit to the Ministry a compliance plan prepared in the manner and including such items as required by the order.

Compliance
plan

(3b) The compliance plan shall specify what the constructor, licensee or employer plans to do to comply with the order and when the constructor, licensee or employer intends to achieve compliance.

Idem

(3) Clause 29 (4) (b) of the said Act is repealed and the following substituted therefor:

(b) order that the work at the work place as indicated in the order shall stop until the order to stop work is withdrawn or cancelled by an inspector after an inspection.

(4) The said section 29 is further amended by renumbering subsection (4a) as subsection (4b) and by adding thereto the following subsection:

(4a) Notwithstanding clause (4) (b), a constructor, a licensee or an employer who gives notice to an inspector of compliance with an order made under subsection (4) may resume work pending an inspection and decision by an inspector respecting compliance with the order if, before the resumption of work, a committee member representing workers or a health and safety representative, as the case may be, advises an inspector that in his or her opinion the order has been complied with.

Resumption
of work
pending
inspection

(5) Subsection 29 (6) of the said Act is amended by inserting after “constructor” in the second line and in the fourth line in each instance “licensee”.

(6) Subsection 29 (7) of the said Act is amended by inserting after “constructor” in the second line “licensee”.

31. The said Act is further amended by adding thereto the following section:

Notice of
compliance

30a.—(1) Within three days after a constructor or employer who has received an order under section 29 believes that compliance with the order has been achieved, the constructor or employer shall submit to the Ministry a notice of compliance.

Idem

(2) The notice shall be signed by the constructor or employer and shall be accompanied by,

- (a) a statement of agreement or disagreement with the contents of the notice, signed by a member of the committee representing workers or by a health and safety representative, as the case may be; or
- (b) a statement that the member or representative has declined to sign the statement referred to in clause (a).

Idem

(3) The constructor or employer shall post the notice and the order issued under section 29 for a period of fourteen days following its submission to the Ministry in a place or places in the work place where it is most likely to come to the attention of workers.

Compliance
achieved

(4) Notwithstanding the submission of a notice of compliance, a constructor or employer achieves compliance with an order under section 29 when an inspector determines that compliance has been achieved.

32.—(1) Subsection 32 (1) of the said Act is amended by inserting after “constructor” in the first line “licensee”.

(2) Subsection 32 (8) of the said Act is repealed.

(3) Section 32 of the said Act is amended by striking out “a Director” wherever it occurs and inserting in lieu thereof in each instance “the adjudicator”.

33. Section 34 of the said Act, as amended by the Statutes of Ontario, 1987, chapter 29, section 6 and 1988, chapter 58, section 5, is further amended by adding thereto the following subsection:

Employer
access to
health
records

(1a) No employer shall seek to gain access, except by an order of the court or other tribunal or in order to comply with another statute, to a health record concerning a worker without the worker’s written consent.

34. Subsection 36 (1) of the said Act is repealed and the following substituted therefor:

(1) No action or other proceeding for damages, prohibition or mandamus shall be instituted respecting any act done in good faith in the execution or intended execution of a person's duties under this Act or in the exercise or intended exercise of a person's powers under this Act or for any alleged neglect or default in the execution or performance in good faith of the person's duties or powers if the person is, Immunity

- (a) an employee of the Ministry or a person who acts as an advisor for the Ministry;
- (b) a director or employee of the Agency or a person who acts as an advisor for the Agency;
- (c) the adjudicator or a person to whom the adjudicator has delegated powers or duties;
- (d) a health and safety representative or a committee member;
- (e) a worker selected by a trade union or trade unions or by workers to represent them; or
- (f) an employee of a medical clinic, an association or a training centre referred to in clause 10c (1) (n) or an association referred to in subsection 10e (1).

35. Section 37 of the said Act is amended by adding thereto the following subsection:

(1a) If a corporation is convicted of an offence under subsection (1), the maximum fine that may be imposed upon the corporation is \$500,000 and not as provided therein. Idem

36. Subsection 38 (1) of the said Act is amended by striking out "or" at the end of clause (b), by adding "or" at the end of clause (c) and by adding thereto the following clause:

- (d) a document purporting to certify the result of a test or an analysis of any equipment, machine, device, article, thing or substance and purporting to be certified by an inspector,

.

37. Section 39 of the said Act is amended by adding thereto the following subsection:

Provincial
judge
required

(2) The Attorney General or an agent for the Attorney General may by notice to the clerk of the court having jurisdiction in respect of an offence under this Act require that a provincial judge preside over the proceeding.

38. Subsection 41 (2) of the said Act, as amended by the Statutes of Ontario, 1987, chapter 29, section 7 and 1988, chapter 58, section 6, is further amended by adding thereto the following paragraphs:

- 8a. prescribing classes of work places for which and circumstances under which a committee shall consist of more than four persons and in each case prescribing the number of persons;
- 8b. prescribing employers or work places or classes thereof for the purposes of clause 8 (1) (b);
- 8c. exempting any work place, industry, activity, business, work, trade occupation, profession, constructor or employer or any class thereof from the application of subsection 8 (2);
- 8d. respecting the conditions for eligibility, qualifications, selection and term of committee members, including certified members, and the operation of the committee;
- 8e. exempting any class of work places from the requirement set out in subsection 8 (5f);
- 8f. prescribing occupational health and safety medical clinics, safety and accident prevention associations and occupational health and safety training centres for the purposes of clause 10c (1) (n);
-
- 10a. prescribing classes of employers who shall establish and maintain a medical surveillance program in which workers may volunteer to participate;
- 10b. governing medical surveillance programs;
-
- 21a. prescribing training programs that employers shall provide;

- 21b. increasing the number of certified members required on a committee;
- 21c. prescribing floor plans for the purposes of subsection 22a (7);
-
- 29. prescribing by class of employer the intervals at which a health and safety representative or a committee member designated under subsection 8 (8) shall inspect all or part of a work place;
- 30. establishing criteria for determining, for the purpose of section 25, whether a person is critically injured;
- 31. prescribing first aid requirements to be met and first aid services to be provided by employers and constructors;
- 32. prescribing, for the purpose of clause 15 (1) (gb), medical examinations and tests that a worker is required to undergo to ensure that the worker's health will not affect his or her ability to perform his or her job in a manner that might endanger others;
- 33. prescribing classes of work place with respect to which section 23b does not apply;
- 34. prescribing the qualifications of persons whom a certified member may designate under subsection 23b (9);
- 35. prescribing, for the purpose of subsection 23c (6), criteria for determining whether a constructor or employer has demonstrated a failure to protect the health and safety of workers;
- 36. prescribing matters to be considered by the adjudicator in deciding upon an application under section 23c;
- 37. prescribing classes of work place with respect to which section 23d does not apply.

39.—(1) Subsection 74 (3) of the *Workers' Compensation Act*, being chapter 539 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

Deeming
provision

(3) For the purposes of this section, the following individuals shall be deemed to be employees of the Board:

1. The employees of designated associations formed under subsection 123 (1).
2. The employees of designated corporations for accident prevention, the members of which are employees within the meaning of section 123.
3. The employees of safety and accident prevention associations described in subclause 10c (1) (n) (ii) of the *Occupational Health and Safety Act*.

R.S.O. 1980,
c. 321

(2) Section 74 of the said Act, as amended by the Statutes of Ontario, 1982, chapter 61, section 12 and 1984, chapter 58, section 26, is further amended by adding thereto the following subsections:

Idem

(4a) For the purposes of this section, every employee who, on the 10th day of April, 1952, was in the service of an association or corporation described in subsection (3) shall be deemed to have become an employee of the Board on the date on which he or she last entered the service of the association or corporation.

Idem

(4b) On a day to be named by proclamation of the Lieutenant Governor, the employees of safety and accident prevention associations described in subclause 10c (1) (n) (ii) of the *Occupational Health and Safety Act* cease to be deemed to be employees of the Board.

Repeal

(4c) Paragraph 3 of subsection (3) is repealed on a day to be named by proclamation of the Lieutenant Governor.

(3) Section 91 of the said Act is amended by adding thereto the following subsection:

Recommendations

(6a) The Board may take into account recommendations made by the Workplace Health and Safety Agency established under the *Occupational Health and Safety Act* in reaching its opinion under subsection (4) or (6).

R.S.O. 1980,
c. 321

(4) Section 123 of the said Act is repealed and the following substituted therefor:

Accident
prevention
associations

123.—(1) The employers in any class of farm-related activity may, with the approval and under the control of the Board, form themselves into an association for the purpose of education in accident prevention.

(2) If the Board is of opinion that an association so formed sufficiently represents the employers included in the class, the Board may approve rules of operation and, when approved by the Board and by the Lieutenant Governor in Council, they are binding on all the employers included in the class.

Rules of operation

(3) Where an association under the authority of its rules of operation appoints an inspector or an expert for the purpose of education in accident prevention, the Board may pay the whole or any part of the salary or remuneration of such inspector or expert out of the accident fund or out of that part of it that is at the credit of any one or more of the classes as the Board considers just.

Inspectors

(4) The Board may, in any case that it considers proper, make a grant towards the expenses of any such association.

Expenses of associations

(5) Any moneys paid by the Board under this section shall be charged against the class represented by such association and levied as part of the assessment against such class.

Where charged

(6) The word "class" in this section includes subclass or such part of a class or such number of classes or parts of classes as may be approved by the Board.

Definition "catégorie"

40. The Minister shall undertake a review three years after this section comes into force of,

Ministerial review

- (a) the mandate of the Workplace Health and Safety Agency and the administration of its programs; and
- (b) the operation and effectiveness of sections 23b to 23d of the *Occupational Health and Safety Act*.

R.S.O. 1980, c. 321

41. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Commencement

42. The short title of this Act is the *Occupational Health and Safety Statute Law Amendment Act, 1990*.

Short title

Bill 209

An Act to revise the McMichael Canadian Collection Act

The Hon. L. Munro

Minister of Culture and Communications



1st Reading January 24th, 1989

2nd Reading

3rd Reading

Royal Assent

*Continued from the 1st Session by an Order of the
Legislative Assembly of March 2nd, 1989.*

EXPLANATORY NOTES

The main provisions of the Bill are as follows:

1. To provide for an English name and a French name for the corporation.
2. To increase the number of members of the board.
3. To clarify the financial and administrative arrangements of the board.
4. To clarify the objects and the collection mandate of the corporation.

Bill 209

1989

An Act to revise the McMichael Canadian Collection Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Definitions

“Board” means the board of trustees of the Corporation;

“collection” means the art works and objects and the documentary materials related thereto held by the Corporation for exhibition or display;

“Corporation” means the corporation continued by section 2;

“Minister” means the Minister of Culture and Communications.

2.—(1) The corporation known as Michael Canadian Collection is continued as a corporation without share capital.

McMichael
Canadian
Collection
continued

(2) The English version of the name of the Corporation is changed to McMichael Canadian Art Collection.

English name

(3) The French version of the name of the Corporation is Collection McMichael d’art canadien.

French name

(4) The fiscal year of the Corporation commences on the 1st day of April in each year and ends on the 31st day of March in the following year.

Fiscal year

(5) The *Corporations Act* does not apply to the Corporation.

R.S.O. 1980,
c. 95 does
not apply

3.—(1) The Board shall consist of seventeen trustees as follows:

Composition
of Board

1. Eleven trustees appointed by the Lieutenant Governor in Council.
2. Four trustees appointed by the Board.
3. Robert McMichael, Founder Director Emeritus.
4. Signe McMichael.

Vacancy

(2) If Robert McMichael or Signe McMichael is unable or unwilling to be a trustee, the Board shall appoint another trustee to fill the position.

Term of office

(3) A trustee may be appointed for a term not exceeding three years and may be reappointed for one or more further terms.

Chairperson and vice-chairperson

(4) The Lieutenant Governor in Council shall designate one of the trustees as chairperson and one of the trustees as vice-chairperson of the Board.

Chairperson to preside

(5) The chairperson shall preside at all meetings of the Board and, in the absence of the chairperson or if the office of chairperson is vacant, the vice-chairperson shall have all the powers and shall perform the duties of the chairperson.

Quorum

(6) A majority of the trustees constitutes a quorum of the Board.

Powers of Board

4.—(1) The affairs of the Corporation shall be under the control of the Board and the Board has all the powers necessary to perform its duties and to achieve the objects of the Corporation.

By-laws

(2) The Board may make by-laws regulating its proceedings and may establish committees for the control and conduct of its internal affairs.

Committees

(3) A by-law establishing a committee of the Board may delegate to the committee such powers and duties of the Board as are determined in the by-law.

R.S.O. 1980, c. 446 does not apply

(4) The *Regulations Act* does not apply to by-laws made under this section.

Appointment of Director

5.—(1) The Board, subject to the approval of the Minister, shall appoint a Director who shall be responsible for the management and administration of the Corporation, subject to the supervision and direction of the Board.

(2) The Board, subject to the approval of the Minister, may remove the Director. Removal of Director

(3) The Director shall appoint such employees as the Director considers necessary from time to time for the proper conduct of the business of the Corporation. Staff

(4) The Board shall fix and pay the salaries or other remuneration and benefits and provide for the retirement and superannuation of employees. Salaries

6. The Corporation is an agent of Her Majesty and its powers may be exercised only as an agent of Her Majesty and all property acquired by the Corporation is the property of Her Majesty. Corporation
Crown
agency

7.—(1) The objects of the Corporation are, Objects

- (a) to acquire art works, objects and documentary material for the collection;
- (b) to preserve and exhibit the collection;
- (c) to conduct research on and provide documentation for the collection;
- (d) to stimulate interest in the collection;
- (e) to conduct activities in order to enhance and complement the collection;
- (f) to hold, maintain and use the land described in the Schedule to the *McMichael Canadian Collection Act*, being chapter 259 of the Revised Statutes of Ontario, 1980, as a permanent site for a public gallery and related facilities for the collection.

(2) The Corporation may for the purpose of furthering its objects, Idem

- (a) acquire, hold, maintain, use or dispose of property;
- (b) with the approval of the Lieutenant Governor in Council, erect buildings and structures on lands that are not owned by the Corporation;
- (c) establish and collect fees as it considers necessary;

- (d) lend any part of the collection for public exhibition, subject to such conditions as the Corporation may impose;
- (e) conduct exhibitions, programs and special events;
- (f) enter into agreements;
- (g) allow for the interment, in that portion of the real property of the Corporation established as a cemetery under the *Cemeteries Act*, of the remains of any artist who was a member of the Group of Seven or of the remains of the spouse of any such artist;
- (h) allow for the interment, in that portion of the real property of the Corporation established as a cemetery under the *Cemeteries Act*, of the remains of Robert McMichael and Signe McMichael.

R.S.O. 1980,
c. 59

Borrowing
money

(3) Despite clause (2) (a), the Corporation shall not borrow money unless a guarantee is provided under section 12.

Disposal of
work and
land

(4) Despite clause (2) (a), no work of art or land donated by either Robert McMichael or Signe McMichael shall be disposed of by the Corporation.

Nature of
collection

8. The Board shall ensure that the focus of the collection is the works of art created by Indian, Inuit and Metis artists, the artists of the Group of Seven and their contemporaries and other artists who have made or make a contribution to the development of Canadian Art.

Fund

9.—(1) The Board may establish and maintain such funds as it considers necessary and appropriate for the management of the Corporation.

Investment

(2) The Board may invest the moneys of the Corporation in those classes of securities as trustees are permitted to invest in under the laws of Ontario.

Remuner-
ation, trustee

10. A trustee shall not receive remuneration for services rendered but shall be reimbursed for proper and reasonable travelling and other expenses incurred in the work of the Board.

Grants

11.—(1) The Minister may make grants to the Corporation upon such terms and conditions as the Minister considers advisable.

(2) The money required for the purposes of this section shall be paid out of the money appropriated therefor by the Legislature. Moneys

12.—(1) The Lieutenant Governor in Council may, upon such terms as the Lieutenant Governor in Council considers proper, agree to guarantee and may guarantee the payment of any loan to the Corporation or any part thereof together with interest thereon borrowed for the purpose of carrying out the objects of the Corporation. Guarantee of loans

(2) The form and manner of the guarantee shall be such as the Lieutenant Governor in Council approves. Form of guarantee

(3) The guarantee shall be signed by the Treasurer of Ontario or such other officer or officers as are designated by the Lieutenant Governor in Council and, upon being so signed, the Province of Ontario is liable for the payment of the loan or part thereof and interest thereon guaranteed according to the terms of the guarantee. Idem

(4) The Lieutenant Governor in Council may pay out of the Consolidated Revenue Fund the money necessary to satisfy any liability of the Province of Ontario under the guarantee. Payment of guarantee

13. Real property owned, leased to or occupied by the Corporation is not liable to taxation for municipal or school purposes if it is actually used and occupied for the purposes of the Corporation. Tax exemption

14. The financial statements of the Corporation shall be audited annually by an auditor appointed by the Board and a report of the audit shall be made to the Board and to the Minister. Audit

15.—(1) The Board shall make an annual report on the affairs of the Corporation to the Minister. Annual report

(2) The Minister shall submit the report to the Lieutenant Governor in Council who shall then lay the report before the Assembly. Idem

(3) The Board shall prepare reports in addition to the annual report as the Minister may require from time to time. Additional reports

16. The *McMichael Canadian Collection Act*, being chapter 259 of the Revised Statutes of Ontario, 1980, the *McMichael Canadian Collection Amendment Act*, 1982, being chapter 3 and section 32 of the *Equality Rights Statute Law Amendment Act*, 1986, being chapter 64, are repealed. Repeal

Commence-
ment

17. This Act comes into force on the day it receives Royal Assent.

Short title

18. The short title of this Act is the *McMichael Canadian Art Collection Act, 1989*.

Bill 209

*(Chapter 44
Statutes of Ontario, 1989)*

An Act to revise the McMichael Canadian Collection Act

The Hon. L. Oddie Munro
Minister of Culture and Communications



<i>1st Reading</i>	January 24th, 1989
<i>2nd Reading</i>	July 13th, 1989
<i>3rd Reading</i>	July 13th, 1989
<i>Royal Assent</i>	July 13th, 1989

*Continued from the 1st Session by an Order of the
Legislative Assembly of March 2nd, 1989.*

Bill 209

1989

An Act to revise the McMichael Canadian Collection Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Definitions

“Board” means the board of trustees of the Corporation;

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McMichael
Canadian
Collection
continued

(2) The English version of the name of the Corporation is changed to McMichael Canadian Art Collection.

English name

(3) The French version of the name of the Corporation is Collection McMichael d’art canadien.

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Fiscal year

(5) The *Corporations Act* does not apply to the Corporation.

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(2) If Robert McMichael or Signe McMichael is unable or unwilling to be a trustee, the Board shall appoint another trustee to fill the position.

Term of office

(3) A trustee may be appointed for a term not exceeding three years and may be reappointed for one or more further terms.

Chairperson and vice-chairperson

(4) The Lieutenant Governor in Council shall designate one of the trustees as chairperson and one of the trustees as vice-chairperson of the Board.

Chairperson to preside

(5) The chairperson shall preside at all meetings of the Board and, in the absence of the chairperson or if the office of chairperson is vacant, the vice-chairperson shall have all the powers and shall perform the duties of the chairperson.

Quorum

(6) A majority of the trustees constitutes a quorum of the Board.

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By-laws

(2) The Board may make by-laws regulating its proceedings and may establish committees for the control and conduct of its internal affairs.

Committees

(3) A by-law establishing a committee of the Board may delegate to the committee such powers and duties of the Board as are determined in the by-law.

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(4) The *Regulations Act* does not apply to by-laws made under this section.

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5.—(1) The Board, subject to the approval of the Minister, shall appoint a Director who shall be responsible for the management and administration of the Corporation, subject to the supervision and direction of the Board.

(2) The Board, subject to the approval of the Minister, may remove the Director. Removal of
Director

(3) The Director shall appoint such employees as the Director considers necessary from time to time for the proper conduct of the business of the Corporation. Staff

(4) The Board shall fix and pay the salaries or other remuneration and benefits and provide for the retirement and superannuation of employees. Salaries

6. The Corporation is an agent of Her Majesty and its powers may be exercised only as an agent of Her Majesty and all property acquired by the Corporation is the property of Her Majesty. Corporation
Crown
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7.—(1) The objects of the Corporation are, Objects

- (a) to acquire art works, objects and documentary material for the collection;
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- (c) to conduct research on and provide documentation for the collection;
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- (e) to conduct activities in order to enhance and complement the collection;
- (f) to hold, maintain and use the land described in the Schedule to the *McMichael Canadian Collection Act*, being chapter 259 of the Revised Statutes of Ontario, 1980, as a permanent site for a public gallery and related facilities for the collection.

(2) The Corporation may for the purpose of furthering its objects, Idem

- (a) acquire, hold, maintain, use or dispose of property;
- (b) with the approval of the Lieutenant Governor in Council, erect buildings and structures on lands that are not owned by the Corporation;
- (c) establish and collect fees as it considers necessary;

- (d) lend any part of the collection for public exhibition, subject to such conditions as the Corporation may impose;
- (e) conduct exhibitions, programs and special events;
- (f) enter into agreements;
- (g) allow for the interment, in that portion of the real property of the Corporation established as a cemetery under the *Cemeteries Act*, of the remains of any artist who was a member of the Group of Seven or of the remains of the spouse of any such artist;
- (h) allow for the interment, in that portion of the real property of the Corporation established as a cemetery under the *Cemeteries Act*, of the remains of Robert McMichael and Signe McMichael.

R.S.O. 1980,
c. 59

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9.—(1) The Board may establish and maintain such funds as it considers necessary and appropriate for the management of the Corporation.

Investment

(2) The Board may invest the moneys of the Corporation in those classes of securities as trustees are permitted to invest in under the laws of Ontario.

Remuneration,
trustee

10. A trustee shall not receive remuneration for services rendered but shall be reimbursed for proper and reasonable travelling and other expenses incurred in the work of the Board.

Grants

11.—(1) The Minister may make grants to the Corporation upon such terms and conditions as the Minister considers advisable.

(2) The money required for the purposes of this section shall be paid out of the money appropriated therefor by the Legislature. Moneys

12.—(1) The Lieutenant Governor in Council may, upon such terms as the Lieutenant Governor in Council considers proper, agree to guarantee and may guarantee the payment of any loan to the Corporation or any part thereof together with interest thereon borrowed for the purpose of carrying out the objects of the Corporation. Guarantee of loans

(2) The form and manner of the guarantee shall be such as the Lieutenant Governor in Council approves. Form of guarantee

(3) The guarantee shall be signed by the Treasurer of Ontario or such other officer or officers as are designated by the Lieutenant Governor in Council and, upon being so signed, the Province of Ontario is liable for the payment of the loan or part thereof and interest thereon guaranteed according to the terms of the guarantee. Idem

(4) The Lieutenant Governor in Council may pay out of the Consolidated Revenue Fund the money necessary to satisfy any liability of the Province of Ontario under the guarantee. Payment of guarantee

13. Real property owned, leased to or occupied by the Corporation is not liable to taxation for municipal or school purposes if it is actually used and occupied for the purposes of the Corporation. Tax exemption

14. The financial statements of the Corporation shall be audited annually by an auditor appointed by the Board and a report of the audit shall be made to the Board and to the Minister. Audit

15.—(1) The Board shall make an annual report on the affairs of the Corporation to the Minister. Annual report

(2) The Minister shall submit the report to the Lieutenant Governor in Council who shall then lay the report before the Assembly. Idem

(3) The Board shall prepare reports in addition to the annual report as the Minister may require from time to time. Additional reports

16. The *McMichael Canadian Collection Act*, being chapter 259 of the Revised Statutes of Ontario, 1980, the *McMichael Canadian Collection Amendment Act, 1982*, being chapter 3 and section 32 of the *Equality Rights Statute Law Amendment Act, 1986*, being chapter 64, are repealed. Repeals

Commence-
ment

17. This Act comes into force on the day it receives Royal Assent.

Short title

18. The short title of this Act is the *McMichael Canadian Art Collection Act, 1989*.

Bill 210

An Act respecting the regulation of the Profession of Psychology

The Hon. E. Caplan
Minister of Health



1st Reading June 6th, 1990
2nd Reading
3rd Reading
Royal Assent

EXPLANATORY NOTE

The Bill provides for the regulation of the profession of psychology by the College of Psychologists of Ontario. The Ontario Board of Examiners in Psychology is continued as the College. The Health Professions Procedural Code, which contains the main procedural provisions applicable in regulating the profession, is deemed to be part of the Bill in subsection 2 (1). Section 4 sets out the controlled acts that members of the College are authorized to perform. Section 15 restricts the use of the title "psychologist" to members. The remainder of the Bill relates to the internal working of the College and the regulation of the profession of psychology.

Bill 210

1990

An Act respecting the regulation of the Profession of Psychology

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Definitions

“College” means the College of Psychologists of Ontario;

“Health Professions Procedural Code” means the Health Professions Procedural Code set out in Schedule 2 to the *Health Professions Regulation Act, 1990*;

1990, c. ...

“profession” means the profession of psychology;

“this Act” includes the Health Professions Procedural Code.

2.—(1) The Health Professions Procedural Code is deemed to be part of this Act.

Health
Professions
Procedural
Code part of
this Act

(2) In the Health Professions Procedural Code as it applies in respect of this Act,

Terms in
Code

“profession” means the profession of psychology;

“this Act” means this Act and the Health Professions Procedural Code.

(3) Definitions in the Health Professions Procedural Code apply with necessary modifications to terms in this Act.

Definitions in
Code

3. The practice of psychology is the assessment of behavioral and mental conditions, the diagnosis of neuropsychological disorders and dysfunctions and psychotic, neurotic and personality disorders and dysfunctions and the prevention and treatment of behavioral and mental disorders and dysfunctions

Scope of
practice

and the maintenance and enhancement of physical, intellectual, emotional, social and interpersonal functioning.

Authorized
acts

4. In the course of engaging in the practice of psychology, a member is authorized, subject to the terms, conditions and limitations imposed on his or her certificate of registration, to communicate a conclusion identifying a neuropsychological disorder or dysfunction or a psychologically based psychotic, neurotic or personality disorder or dysfunction as the cause of a person's symptoms.

Board
continued as
College

5. The Ontario Board of Examiners in Psychology is continued as the College of Psychologists of Ontario.

Council

6.—(1) The Council shall be composed of,

- (a) at least six and no more than nine persons who are members elected in the prescribed manner;
- (b) at least four and no more than six persons appointed by the Lieutenant Governor in Council who are not,
 - (i) members,
 - (ii) members of a College as defined in the *Health Professions Regulation Act, 1990*, or
 - (iii) members of a Council as defined in the *Health Professions Regulation Act, 1990*; and
- (c) two or three persons selected in the prescribed manner from among members who are faculty members of a department of psychology of a prescribed university in Ontario.

Who can
vote in
elections

(2) Subject to the regulations, every member who practises or resides in Ontario and who is not in default of payment of the annual membership fee is entitled to vote in an election of members of the Council.

President and
Vice-
President

7. The Council shall have a President and Vice-President who shall be elected annually by the Council from among the Council's members.

Executive
Committee

8.—(1) The Executive Committee shall be composed of,

- (a) the President and Vice-President of the Council;

- (b) two members of the Council who are members of the College; and
- (c) one member of the Council appointed to the Council by the Lieutenant Governor in Council.

(2) The President of the Council shall be the chair of the Executive Committee. President to be chair

9. The Registration Committee shall be composed of, Registration Committee

- (a) two members of the Council who are members of the College;
- (b) one member of the Council appointed to the Council by the Lieutenant Governor in Council; and
- (c) one member.

10. The Complaints Committee shall be composed of, Complaints Committee

- (a) two members of the Council who are members of the College;
- (b) one member of the Council appointed to the Council by the Lieutenant Governor in Council; and
- (c) one member.

11. The Discipline Committee shall be composed of, Discipline Committee

- (a) three members of the Council who are members of the College;
- (b) two members of the Council appointed to the Council by the Lieutenant Governor in Council; and
- (c) two members.

12. The Fitness to Practise Committee shall be composed of, Fitness to Practise Committee

- (a) two members of the Council who are members of the College;
- (b) one member of the Council appointed to the Council by the Lieutenant Governor in Council; and
- (c) one member.

Quality Assurance Committee

13. The Quality Assurance Committee shall be composed of,

- (a) two members of the Council who are members of the College;
- (b) one member of the Council appointed to the Council by the Lieutenant Governor in Council; and
- (c) two members.

Appointment of committee members by Council

14. The Council shall appoint the members of the committees mentioned in sections 8 to 13.

Restricted titles

15.—(1) No person other than a member shall use the title “psychologist”, a variation or abbreviation of it or its equivalent in another language in the course of providing or offering to provide, in Ontario, health care to individuals.

Representations of qualification, etc.

(2) No person other than a member shall hold himself or herself out as a person who is qualified to practise in Ontario as a psychologist or in a specialty of psychology.

Notice if suggestions referred to Advisory Council 1990, c. ...

16.—(1) The Registrar shall give a notice to each member if the Minister refers to the Advisory Council, as defined in the *Health Professions Regulation Act, 1990*, a suggested,

- (a) amendment to this Act;
- (b) amendment to a regulation made by the Council; or
- (c) regulation to be made by the Council.

Requirements re notice

(2) A notice mentioned in subsection (1) shall set out the suggestion referred to the Advisory Council and the notice shall be given within thirty days after the Council of the College receives the Minister’s notice of the suggestion.

Offence

17. Every person who contravenes subsection 15 (1) or (2) is guilty of an offence and on conviction is liable to a fine of not more than \$5,000 for a first offence or not more than \$10,000 for a subsequent offence.

Regulations

18. Subject to the approval of the Lieutenant Governor in Council and with prior review by the Minister, the College may make regulations,

- (a) respecting the qualifications, number, selection and terms of office of Council members who are selected; and

- (b) respecting the delegation to members of controlled acts set out in subsection 26 (2) of the *Health Professions Regulation Act, 1990*. 1990, c. ...

19. A person who, on the day before this Act comes into force, is registered under the *Psychologists Registration Act*, being chapter 404 of the Revised Statutes of Ontario, 1980, is deemed to be the holder of a certificate of registration issued under this Act subject to any term, condition or limitation to which the registration was subject. Transition

20.—(1) The transitional Council is the Ontario Board of Examiners in Psychology as it exists from time to time between the day this Act receives Royal Assent and the day it comes into force. Transition before Act comes into force

(2) After this Act receives Royal Assent but before it comes into force, the transitional Council and its employees and committees may do anything that is necessary or advisable for the coming into force of this Act and that the Council and its employees and committees could do under this Act if it were in force. Powers of transitional Council before Act in force

(3) Without limiting the generality of subsection (2), the transitional Council may appoint a Registrar and the Registrar and the Council's committees may accept and process applications for the issue of certificates of registration, charge application fees and issue certificates of registration. Idem

(4) The Minister may, Powers of Minister

- (a) review the transitional Council's activities and require the transitional Council to provide reports and information;
- (b) require the transitional Council to make, amend or revoke a regulation under this Act;
- (c) require the transitional Council to do anything that, in the opinion of the Minister, is necessary or advisable to carry out the intent of this Act and the *Health Professions Regulation Act, 1990*. 1990, c. ...

(5) If the Minister has required the transitional Council to do anything under subsection (4), the transitional Council shall, within the time and in the manner specified by the Minister, comply with the requirement and submit a report. Transitional Council to comply with Minister's request

(6) If the Minister requires the transitional Council to make, amend or revoke a regulation under clause (4) (b) and Regulations

the transitional Council does not do so within sixty days, the Lieutenant Governor in Council may make, amend or revoke the regulation.

Idem (7) Subsection (6) does not give the Lieutenant Governor in Council authority to do anything that the transitional Council does not have authority to do.

Minister may pay expenses (8) The Minister may pay the transitional Council for expenses incurred in complying with a requirement under subsection (4).

Transition after Act comes into force **21.—**(1) After this Act comes into force, the transitional Council shall be the Council of the College if it is constituted in accordance with subsection 6 (1) or, if it is not, it shall be deemed to be the Council of the College until a new Council is constituted in accordance with subsection 6 (1) or until one year has elapsed, whichever comes first.

Terms of members of transitional Council (2) The term of a member of the transitional Council shall not expire while the transitional Council is deemed to be the Council of the College.

Vacancies (3) The Lieutenant Governor in Council may appoint persons to fill vacancies on the transitional Council.

Composition of committees of transitional Council (4) Sections 8 to 13 do not apply to committees of the transitional Council.

Commencement **22.—**(1) This Act, except section 20, comes into force on a day to be named by proclamation of the Lieutenant Governor.

Idem (2) Section 20 comes into force on the day this Act receives Royal Assent.

Idem (3) Despite subsection (1), section 78 of the Health Professions Procedural Code, as it applies in respect of this Act, does not come into force until three years after this Act comes into force.

Short title **23.** The short title of this Act is the *Psychology Act, 1990*.

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Bill 211

An Act to revise the Rental Housing Protection Act, 1986

The Hon. C. Hošek
Minister of Housing



1st Reading January 31st, 1989

2nd Reading

3rd Reading

Royal Assent

*Continued from the 1st Session by an Order of the
Legislative Assembly of March 2nd, 1989.*

EXPLANATORY NOTES

The new Act proposed by the Bill replaces the existing *Rental Housing Protection Act, 1986*, and will apply generally to rental property situate in those municipalities that are designated by the regulations made under the Act.

In addition, the Bill, effective as of the day of its introduction and First Reading in the Assembly, amends the *Rental Housing Protection Act, 1986*, as it now exists, by enlarging the definition of “rental unit” to include vacant premises that have been previously used as rented residential premises. At present, the definition refers only to living accommodation that “is used” as rented residential premises. The new Act proposed by the Bill will carry forward the application of the Act to such vacant premises.

The new Act continues to require the approval of the municipal council to any proposal to convert rental property to condominium or other use or to demolish, renovate or repair or to sever such property. Rental property containing four or fewer units is generally exempt from the Act; however, in all municipalities, whether designated or not, the approval of council is required to convert rental property of any size to a condominium.

Some of the features of the new Act proposed by the Bill that differ from the existing Act are the following:

1. The Act does not contain a provision repealing it on a named day.
2. As mentioned above, the new Act will apply to vacant premises that have been previously used as rented residential premises.
3. Under the present Act, municipal council approval is required to renovations or repairs to residential property if a tenant is in possession of a rental unit and vacant possession of the unit would be required or, in the case of a vacant unit, if the unit has been vacant for less than one year; under the new Act approval continues to be required if a tenant is in possession of a rental unit and vacant possession is required but in the case of a vacant unit, regardless of the period of vacancy, approval is required if the renovation or repair is so extensive that, were the unit occupied, vacant possession would be required.
4. Approval of the municipal council to conversion of rental property is not required where the new use is for the purpose of occupation by a landlord or the landlord's spouse or children, etc., (under section 105 of the *Landlord and Tenant Act*) or by a person having the right to possession of a unit in a co-operative, if the co-operative was not established in contravention of the new Act or its predecessor (approval is required however in the case of the landlord requiring possession if, within the preceding three years, possession has been obtained of any rental unit in the rental property under section 105 of the *Landlord and Tenant Act*).
5. The Act prohibits the giving of notice of termination under section 105 of the *Landlord and Tenant Act* (where landlord, etc., personally requires the premises) unless the premises are exempt (see Note 4) or unless the approval of the municipal council is obtained.
6. Provisions are included in the Act to clarify the position of persons involved in the sale or lease of a share or interest in an existing co-operative.
7. The new Act contains penalties where harassment of a tenant has been proven. Minimum fines are included in the Act as well as a provision that requires municipalities to refuse to approve applications for a three-year period following the date of a conviction of harassment relating to the property.

8. The new Act extends the period for laying charges for violations of the Act from six months (under the current Act) to two years from the date the offence was committed.
9. The new Act provides the authority for the courts to return converted units to rental use where approval from municipal council was not first obtained.
10. The new Act drops the Petition to Cabinet but continues to specify that municipal decisions may be appealed to the Ontario Municipal Board.

Bill 211**1989**

**An Act to revise the
Rental Housing Protection Act, 1986**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Definitions

“co-operative” means a rental property that is,

- (a) owned or leased or otherwise held by or on behalf of more than one person where any such person has the right to present or future exclusive possession of a unit in the rental property, or
- (b) owned or leased or otherwise held by a corporation having more than one shareholder or member, where any one of the shareholders or members, by reason of owning shares in or being a member of the corporation, has the right to present or future exclusive possession of a unit in the rental property,

but does not include a non-profit co-operative housing corporation as defined in the *Residential Rent Regulation Act*, 1986, c. 63 1986;

“co-operative interest holder” means a person who has an interest in a co-operative or is a shareholder or member of a corporation that has an interest in a co-operative;

“Minister” means the Minister of Housing;

“Ministry” means the Ministry of Housing;

“municipality” means a city, town, village, improvement district or township;

“prescribed” means prescribed by the regulations;

“regulations” means regulations made under this Act;

1983, c. 1 “related group of buildings” means buildings that are under the same ownership and on the same parcel of land as defined in section 45 of the *Planning Act, 1983*;

“rental property” means a building or related group of buildings containing one or more rental units, but does not include a condominium;

“rental unit” means premises used as rented residential premises and includes premises that have been used as rented residential premises and are vacant;

“rented residential premises” includes a room in a boarding house or lodging house;

R.S.O. 1980, c. 232 “spouse” means a spouse as defined in clause 1 (ca) of the *Landlord and Tenant Act*.

APPLICATION OF ACT

Application
of Act

2.—(1) This Act applies to rental property situate in municipalities designated by the regulations, despite any other Act and despite any agreement or waiver to the contrary.

Idem

(2) Despite subsection (1), this Act applies to rental property situate in any municipality in Ontario in respect of a proposed conversion of rental property to a co-operative or condominium.

Exemptions

3.—(1) This Act, or such part or parts thereof as are specified in the regulations, does not apply to rental units or rental properties or categories thereof that are exempted by the regulations for such general or special purposes as are specified therein.

Idem

(2) A rental property is exempt from this Act if the number of residential units in the property, including the number of rental units, is four or fewer.

Exception

(3) Subsection (2) does not apply in respect of a proposed conversion of rental property to a condominium.

Exemption

(4) This Act does not apply to premises that have been used as rented residential premises and are vacant if,

- (a) immediately before becoming vacant, the premises were used as something other than rented residential premises; and

- (b) the premises were converted to the use referred to in clause (a) without contravening this Act or a predecessor thereof.

PROHIBITIONS

4.—(1) No rental property, or part thereof, shall be, Prohibition

- (a) demolished;
- (b) converted to any use for a purpose other than rental property, including, but not so as to restrict the generality of the foregoing, converted to use as a condominium, co-operative, hotel, motel, tourist home, inn or apartment hotel; or
- (c) renovated or repaired if,
 - (i) a tenant is in possession of a rental unit and vacant possession of the rental unit would be required, or
 - (ii) the repair or renovation is to a vacant rental unit and is so extensive that, were the rental unit occupied, vacant possession of the unit would be required,

by any person unless the council of the municipality in which the property is situate approves of the demolition, conversion, renovation or repair.

(2) Clause 4 (1) (b) does not apply so as to require the approval of the council of the municipality if the conversion of rental property, or part thereof, is to use for the purposes of occupation by, Where
s. 4 (1) (b)
does not
apply

- (a) a person referred to in section 105 of the *Landlord and Tenant Act*, except that approval is required if a notice of termination had been previously given on the grounds set out in the said section 105 in respect of any rental unit in the rental property and the tenant thereof had vacated the premises pursuant to that notice, unless three years have passed since the date the notice was specified to be effective; R.S.O. 1980,
c. 232
- (b) a person who, by reason of being a co-operative interest holder has the right to present or future exclusive possession of a unit in the co-operative, if the co-operative did not result from a conversion from rental property or, where any such conversion

took place, the conversion was not in contravention of this Act or a predecessor thereof; or

- (c) the spouse or a child or parent of the person mentioned in clause (b) or a child or parent of the spouse of that person.

Apartment
hotel

(3) For the purposes of this section, a building or part of a building shall be deemed to be an apartment hotel if it contains transient living accommodation which has self-contained bathroom and kitchen facilities and in respect of which accommodation the prescribed criteria are met.

Approval
required for
severance
1983, c. 1

5.—(1) No consent shall be given under subsection 52 (1) of the *Planning Act, 1983* in respect of a rental property unless the council of the municipality in which the property is situate approves of the consent.

Conditional
consent

(2) Nothing in subsection (1) prevents a consent being given that is conditional on the approval of the council of the municipality being obtained.

Restriction
on issuing of
licences,
permits, etc.

6. If an approval is required under this Act, no permit, licence, consent, permission or approval under the following provisions shall be granted in respect of the rental property to which the approval under this Act relates until the certificate has been issued under subsection 13 (6):

1. A building permit or demolition permit under section 5 of the *Building Code Act*.
2. A consent under section 33 or 34 of the *Ontario Heritage Act*.
3. A permit under section 43 of the *Ontario Heritage Act*.
4. A zoning amendment under section 34 of the *Planning Act, 1983*.
5. A minor variance under section 44 of the *Planning Act, 1983*.
6. A demolition permit under section 33 of the *Planning Act, 1983*.
7. Except as otherwise prescribed, a business licence under any provision of the *Municipal Act*.
8. A licence under section 4 of the *Tourism Act*.

R.S.O. 1980,
c. 51

R.S.O. 1980,
c. 337

R.S.O. 1980,
c. 302

R.S.O. 1980,
c. 507

9. An approval under section 3 of the *Hotel Fire Safety Act*. R.S.O. 1980,
c. 207
10. Such other provisions as are prescribed under which a permit, licence, consent, permission or approval is granted.

CO-OPERATIVES

7.—(1) No person shall sell, enter into an agreement to sell, lease or enter into an agreement to lease an interest in a co-operative or in a corporation owning or leasing any interest in a co-operative or enter into any other arrangement or transaction that has the effect of transferring an interest in a co-operative or in a corporation owning or leasing any interest in a co-operative except where the co-operative did not result from a conversion from rental property, or, where any such conversion took place, the conversion was not in contravention of this Act or a predecessor thereof. Prohibition,
co-operatives

(2) Subsection (1) does not apply to a lease or an agreement to lease an interest in a co-operative, or in a corporation owning or leasing any interest in a co-operative, for a term of less than twenty-one years. Exception

(3) This section does not apply to the transfer of an interest in a co-operative or in a corporation owning or leasing any interest in a co-operative that is exempted by the regulations. Exemption

(4) A conveyance, lease, agreement, arrangement or transaction entered into in contravention of subsection (1) is voidable at the instance of the person who acquired the interest in the co-operative or in the corporation owning or leasing any interest in the co-operative and any amount paid thereunder is recoverable by that person. Consequences
of
contravention

(5) For the purposes of subsections 4 (1) and (2) and this section, the conversion from rental property to the co-operative occurs when the first lease or sale of an interest in rental property or of a share in a corporation owning or leasing any interest in rental property takes place that carries with it the right to occupy a specific unit in the rental property or when a rental property is transferred or leased to a corporation of the type mentioned in clause (b) of the definition of “co-operative” in section 1, and, for the purposes of this subsection, where a lease or sale of a share or interest takes place, the lease or sale shall be deemed to have occurred on the day the agreement to enter into the lease or the agreement for sale was entered into. Interpretation

Idem

(6) For the purposes of subsection (5), “lease or sale” means any arrangement or transaction that has the effect of transferring an interest in a co-operative or in a corporation owning or leasing any interest in a co-operative.

CONDOMINIUMS

Power of council

8.—(1) The council of a municipality, when considering an application for conversion to a condominium under clause 4 (1) (b), shall also, in the place of the Minister of Municipal Affairs, exercise the powers conferred on the Minister of Municipal Affairs under section 50 of the *Condominium Act* respecting the approval or exemption of descriptions.

R.S.O. 1980,
c. 84

Two separate matters

(2) The consideration by council of an application for condominium conversion under clause 4 (1) (b) is independent of the powers exercised by council under section 50 of the *Condominium Act*, but no final approval shall be given under section 50 unless approval has been obtained under this Act.

TERMINATION OF TENANCIES

Certificate required for valid notice
R.S.O. 1980,
c. 232

9.—(1) No notice of termination shall be given on the grounds set out in section 107 of the *Landlord and Tenant Act* unless the approval of the council of the municipality under subsection 4 (1) has been obtained, where such approval is required, and a copy of the certificate issued under subsection 13 (6) is given at the time the notice is given.

Notice void

(2) A notice of termination given in contravention of subsection (1) is void.

Restriction re: writ of possession

(3) Despite section 113 of the *Landlord and Tenant Act*, no order for a writ of possession shall be issued in respect of the grounds set out in section 107 of that Act, even if the notice of termination was given or application made for a writ of possession before the coming into force of this Act, unless the approval of the council of the municipality under subsection 4 (1) of this Act or a predecessor thereof, as the case may be, has been obtained where such approval is required.

Certificate or exemption required for valid notice

10.—(1) No notice of termination shall be given on the grounds set out in section 105 of the *Landlord and Tenant Act* unless the approval of the council of the municipality under subsection 4 (1) has been obtained, where such approval is required, and a copy of the certificate issued under subsection 13 (6) is given at the time the notice is given.

Notice void

(2) A notice of termination given in contravention of subsection (1) is void.

(3) Despite section 113 of the *Landlord and Tenant Act*, no order for a writ of possession shall be issued in respect of the grounds set out in section 105 of that Act, even if the notice of termination was given or application made before the coming into force of this Act, unless the approval of the council of the municipality under subsection 4 (1) has been obtained, where such approval is required.

Restriction
re: writ of
possession
R.S.O. 1980,
c. 232

APPLICATIONS

11.—(1) An owner of rental property may apply in writing for an approval under this Act to the clerk of the municipality and the application shall contain such information as may be prescribed.

Application
for approval

(2) Notice in the prescribed form of the application shall be given in the prescribed manner by the applicant to each tenant of a rental unit in the rental property within five days of the application being made.

Notice to
tenants

(3) The council of the municipality shall give a copy of the application and a request for written comments, together with such additional material as may be prescribed, to such persons and in such manner as is prescribed.

Notice by
municipality

(4) The council of the municipality may require an applicant to cause an architect, professional engineer or other qualified person to make a physical inspection of the rental property and to make a report on matters determined by the municipality to be of concern or it may require that the inspection be made and report prepared by its chief building official.

Inspection
and report

(5) For the purposes of an inspection under subsection (4), a person authorized to inspect a rental unit has the right to enter the rental unit during daylight hours upon giving at least twenty-four hours written notice to the tenant specifying the time of entry and a tenant shall permit the entry of such person during that time.

Entry for
inspection

(6) A copy of the report referred to in subsection (4) shall be made available by the municipality for inspection by the public.

Copy of
report made
available

(7) The council may approve the application with or without such conditions as in its opinion are reasonable or reject the application but council shall not approve the application unless such criteria as are prescribed are met.

Power of
council

Information
and public
meeting

(8) Before considering an application under this section, the council shall ensure that adequate information is made available to the public, and for this purpose shall hold at least one public meeting, notice of which shall be given in such form and content and in such manner and to such persons as are prescribed.

Time for
meeting, etc.

(9) The meeting mentioned in subsection (8) shall be held not sooner than fifteen days after the requirements for the giving of notice of the meeting have been complied with and any person who attends the meeting shall be afforded an opportunity to make representation in respect of the proposed application.

Notice of
decision

(10) Written notice of the decision of council shall be sent within five days of the making thereof to the applicant, to every person who in writing requested to be given notice of the decision and to every other prescribed person.

Agreements

12.—(1) Every municipality may enter into agreements imposed as a condition to an approval under this Act and any such agreement may be registered against the land to which it applies.

Enforcement
R.S.O. 1980,
cc. 445, 230

(2) The municipality is entitled to enforce the provisions of the agreement against the owner and, subject to the *Registry Act* and the *Land Titles Act*, any subsequent owner of the land.

APPEALS

Appeal to
O.M.B.

13.—(1) Where the council refuses or neglects to make a decision on the application made in accordance with this Act within thirty days of the receipt of the application by the clerk of the municipality, the applicant may appeal to the Ontario Municipal Board by filing with the clerk of the municipality a notice of appeal.

Appeal of
decision to
O.M.B.

(2) Any person who is not satisfied with the decision of council may, not later than twenty days after the date of the decision, appeal to the Ontario Municipal Board by filing with the clerk of the municipality a notice of appeal setting out the objection to the decision and the reasons for the objection.

Record

(3) The clerk of the municipality, upon receipt of a notice of appeal under subsection (1) or (2), shall compile a record and forward the notice of appeal and the record to the secretary of the Ontario Municipal Board and shall provide such information or material as the Board may require in respect of the appeal.

(4) The Ontario Municipal Board shall hold a hearing and has the same authority as does the council under subsection 11 (7) but, if all appeals have been withdrawn before the hearing, the decision of the council is final and the secretary of the Board shall notify the clerk of the municipality who shall notify the applicant. Hearing

(5) Despite section 94 of the *Ontario Municipal Board Act*, there is no right to file a petition under that section in respect of an order or decision of the Board made in respect of a matter appealed to the Board under this Act. No petition from O.M.B. R.S.O. 1980, c. 347

(6) When an approval has been given under this Act by the municipality or the Ontario Municipal Board, the clerk of the municipality shall issue a certificate in the prescribed form to the applicant stating that the approval has been given. Certificate that approval given

(7) No certificate of approval shall be issued until the time for an appeal has passed or until the appeal has been disposed of, whichever is later and, until the certificate is issued, no person shall commence the activity mentioned in subsection 4 (1) or carry out the transaction to which the consent mentioned in subsection 5 (1) relates, as the case may be. When certificate of approval to be issued

(8) Where a condition has been imposed, the certificate shall not be given until the council is satisfied that the condition has been fulfilled. Conditions to be fulfilled

(9) The certificate issued under subsection (6) is conclusive evidence that the approval was given and that the provisions of this Act leading to the approval have been complied with. Certificate conclusive

(10) After the certificate has been issued, no action may be maintained to question the validity of the approval, but nothing in this subsection prevents an application for judicial review or an appeal to the Divisional Court as may be provided by law or any further appeal therefrom. Idem

INSPECTIONS

14.—(1) The Minister or a municipality may designate as inspectors such employees of the Ministry or of the municipality respectively as are considered necessary by the Minister or the municipality for the purposes of ensuring that this Act and the regulations are complied with. Inspectors

(2) An inspector may, on giving twenty-four hours prior written notice to the owner of the rental property of the intention to do so, at reasonable times and on producing proper identification, Inspection

- (a) enter and inspect any rental property except any room or place therein actually used as a dwelling; and
- (b) upon giving a receipt therefor, remove from the rental property any document or thing found during the course of the inspection, and that may be relevant thereto, for the purpose of making copies or extracts and shall promptly thereafter return them to the rental property from which they were removed.

Obstruction

(3) No person shall hinder, obstruct or interfere with an inspector in the exercise of the right of entry and inspection and removal of documents or things conferred under subsection (2).

Warrant to enter and inspect rental property

(4) Where a justice of the peace is satisfied by evidence under oath,

- (a) that the entry and inspection of a rental property is authorized under subsection (2) and is reasonably necessary in the enforcement of this Act; and
- (b) that an inspector has been denied access to the rental property or that there are reasonable grounds to believe that access would be refused,

the justice of the peace may issue a warrant authorizing an inspector named in the warrant to enter and inspect the rental property, by the use of force if necessary, together with such police officers as may be called upon to assist the inspector, and upon giving a receipt therefor, to remove from the rental property any document or thing found during the course of the inspection, and that may be relevant thereto, for the purpose of making copies or extracts and shall promptly thereafter return them to the rental property from which they were removed.

When to be executed and expiry

(5) A warrant issued under subsection (4) shall be executed at reasonable times as specified in the warrant and the warrant shall state the date upon which it expires which date shall not be later than fifteen days after the warrant is issued.

Entry into common areas

(6) On the invitation to do so by the occupier of a rental unit, an inspector may enter and inspect any common areas of the rental property in which the rental unit is located and to which the occupier has a right of access.

(7) Except under the authority of a warrant issued under subsection (8), an inspector shall not enter any room or place actually used as a dwelling for the purposes of inspecting that dwelling without requesting and obtaining the consent of the occupier, first having informed the occupier that the right of entry may be refused and entry made only under the authority of a warrant.

Entry into
dwelling
place

(8) Where a justice of the peace is satisfied by evidence under oath,

Warrant to
enter and
search

- (a) that there is reasonable and probable ground for believing that an offence under this Act has been committed; and
- (b) that there is reasonable and probable ground for believing that the entry into and search of any building, receptacle or place will afford evidence as to the commission of the offence,

the justice of the peace may issue a warrant authorizing an inspector named in the warrant to enter and search the building, receptacle or place, by the use of force if necessary, together with such police officers as may be called upon to assist the inspector, and upon giving a receipt therefor, to remove from the building, receptacle or place any document or thing that may afford evidence of the offence for the purpose of making copies or extracts and shall promptly return them to the building, receptacle or place from which they were removed.

(9) A warrant issued under subsection (8) shall be executed at reasonable times as specified in the warrant and the warrant shall state the date upon which it expires which date shall not be later than fifteen days after the warrant is issued.

When to be
executed and
expiry

(10) Copies of or extracts from documents and things removed under this section and certified as being true copies of, or extracts from, the originals by the person who made them are admissible in evidence to the same extent as, and have the same evidentiary value as, the documents or things of which they are copies or extracts.

Admissibility
of copies

GENERAL

15.—(1) The council of a municipality may by by-law establish fees for the processing of an application made under this Act.

Fees

Idem

(2) The fees shall not exceed the anticipated cost to the municipality of processing the application and of having its chief building official make an inspection of the rental property.

Grants to municipalities

16. The Minister may make grants to municipalities to assist them in training their employees in the administration of this Act.

Restraining,
etc., order

17.—(1) Where, on an application made to the District Court or the Supreme Court by a tenant, former tenant, municipal corporation or the Minister, the court determines that an owner or tenant of rental property or person acting on behalf of the owner or tenant has converted, has attempted to convert or is in the process of converting the property or part thereof to a use other than rental property without the approval of council under subsection 4 (1), where such approval was required, the court may make one or more of the following orders:

1. An order restraining the owner or tenant or person acting on behalf of the owner or tenant from converting or continuing to convert the property.
2. An order requiring the owner or tenant or any subsequent owner or tenant to return the property to its use as rental property.
3. An order restoring the tenancy and putting the tenant of a rental unit back into possession.

Idem

(2) An order made under subsection (1) may require the owner or tenant or any subsequent owner or tenant or person acting on behalf of any one of them, as the case requires, to take such steps as the court considers necessary to give effect to the order.

Joint application

(3) A joint application may be brought by persons who are eligible to bring an application under subsection (1).

Remedies are additional

(4) The remedies provided by this section are in addition to any other remedies existing by law.

Regulations

18. The Lieutenant Governor in Council may make regulations,

- (a) designating municipalities to which this Act applies;
- (b) exempting rental units or rental properties, or categories thereof, from this Act or any part or

parts thereof for such general or specific purposes as are specified;

- (c) prescribing, for the purposes of subsection 11 (7), the criteria upon which approval may be granted or refused by a municipality under subsection 4 (1) or 5 (1);
- (d) prescribing, for the purposes of subsection 4 (3), criteria to be met by transient living accommodation;
- (e) exempting the transfer of an interest in a co-operative or in a corporation owning or leasing any interest in a co-operative or any category of co-operatives from section 7;
- (f) prescribing, for the purposes of paragraph 7 of section 6, provisions of the *Municipal Act* respecting a business licence to which that paragraph does not apply; R.S.O. 1980,
c. 302
- (g) prescribing, for the purposes of section 6, additional provisions respecting a permit, licence, consent, permission or approval;
- (h) prescribing the information to be contained in an application under subsection 11 (1);
- (i) prescribing the form of notice to be given and the manner in which notice is to be given under subsection 11 (2);
- (j) prescribing, for the purposes of subsection 11 (3), the persons to whom and the manner in which the copy of the application is to be given by the council and prescribing additional material to be given with the copy of the application;
- (k) prescribing, for the purposes of subsection 11 (8), the form and content of the notice and the manner in which and the persons to whom the notice is to be given by the council;
- (l) prescribing, for the purposes of subsection 11 (10), other persons to whom notice of the decision of council shall be given;
- (m) prescribing the form of the certificate of approval under subsection 13 (6);

- (n) prescribing anything that by this Act is to be or may be prescribed.

OFFENCES

Offence

19. Every person who contravenes subsection 4 (1), 7 (1), 9 (1), 10 (1) or 14 (3), and every director or officer of a corporation who authorized, permitted or acquiesced in the contravention by the corporation, is guilty of an offence and on conviction is liable to a fine of not more than \$50,000 or to imprisonment for a term of not more than one year, or to both, but no person is guilty of an offence if the person did not know, and in the exercise of due diligence could not have known, of the contravention.

Harassment of tenant

20.—(1) No owner of rental property or person acting on the owner's behalf shall interfere with the reasonable enjoyment of a rental unit in the rental property by the tenant thereof with the intent of discouraging the participation of the tenant in the application process described in section 11 or the appeal process described in section 13 or with the intent of otherwise facilitating the obtaining of the approval of the council of a municipality on an application made under this Act.

Offence

(2) Every person who contravenes subsection (1) and every director or officer of a corporation who authorized, permitted or acquiesced in the contravention is guilty of an offence and on conviction is liable to a fine of not less than \$1,000 and not more than \$50,000 or to imprisonment for a term of not more than one year, or to both, but no director or officer is guilty of an offence if he or she did not know, and in the exercise of due diligence could not have known, of the contravention.

Address of rental unit

(3) An information commencing a proceeding under this section shall contain the complete municipal address of the rental unit to which the information relates.

Penalty

(4) In addition to levying a fine or imposing a term of imprisonment under subsection (2) and notwithstanding any other remedy existing by law, the court may order that the person convicted pay to the aggrieved tenant an amount not exceeding \$2,000 as a penalty for the unlawful interference.

Civil remedies not precluded

(5) No disposition made under subsection (4) precludes the tenant from pursuing any civil remedy existing by law.

Certificate of conviction to clerk

(6) A certificate or other proof of a conviction under subsection (2) shall be forwarded by the court to the clerk of the municipality in which the rental unit is situate.

(7) The certificate or other proof of conviction forwarded to the clerk under subsection (6) shall contain the address of the rental unit as set out in the information.

Copy to
contain
address

(8) Where notice of a conviction under subsection (2) is received by the clerk of the municipality, the clerk shall inform the council and no approval shall then be given under subsection 4 (1) or 5 (1) in respect of a rental unit in the same rental property unless,

Restriction
on approval

(a) three years have passed since the date of conviction;
or

(b) an appeal is brought and the conviction is quashed.

21. Proceedings shall not be commenced, in respect of an offence under this Act, after two years from the date the offence was, or is alleged to have been, committed.

Limitation of
action

MISCELLANEOUS

22.—(1) No action or other proceeding for compensation or damages shall be instituted against any officer or employee of the Ministry for any act done in good faith in the performance or intended performance of any duty or in the exercise or intended exercise of any power under this Act or the regulations or for any neglect or default in the performance or exercise in good faith of such duty or power.

Immunity for
acts done in
good faith

(2) Subsection (1) does not, by reason of subsections 5 (2) and (4) of the *Proceedings Against the Crown Act*, relieve the Crown of liability in respect of a tort committed by a person mentioned in subsection (1) to which it would otherwise be subject, and the Crown is liable under that Act for any such tort in a like manner as if subsection (1) had not been enacted.

Crown
liability
R.S.O. 1980,
c. 393

23.—(1) If all permits required under the *Building Code Act* and the *Planning Act, 1983* for a demolition, renovation or repair have been obtained before the 10th day of July, 1986, or, in respect of vacant rental property, have been obtained before the coming into force of section 24, the approval of council under subsection 4 (1) is not required.

Transition
R.S.O. 1980,
c. 51
1983, c. 1

(2) If a certificate has been given under subsection 52 (21) of the *Planning Act, 1983* before the 10th day of July, 1986, or, in respect of vacant rental property, has been given before the coming into force of section 24, the approval of council under subsection 5 (1) is not required.

Idem

Condominium
conversion

R.S.O. 1980,
c. 84

(3) If a draft approval or a commitment for an exemption from an approval has been granted under section 50 of the *Condominium Act* or the Ontario Municipal Board has issued a decision approving an application for conversion to a condominium before the 10th day of July, 1986, or, in respect of vacant rental property, has been granted or issued before the coming into force of section 24, the approval of the council of a municipality under subsection 4 (1) is not required.

Proceedings
continued
under
1986, c. 26

R.S.O. 1980,
c. 347

(4) Despite section 27, any proceeding that has been commenced under the *Rental Housing Protection Act, 1986* before the day this section comes into force shall be continued and finally disposed of under that Act, except that no petition may be filed with the Clerk of the Executive Council under subsection 7 (17) of that Act or under section 94 of the *Ontario Municipal Board Act*.

Right to
petition
continued

(5) Despite subsection (4) and section 27 of this Act, where a petition has been filed under subsection 7 (17) of the *Rental Housing Protection Act, 1986* before the coming into force of this section, subsections 7 (17) and (18) of the *Rental Housing Protection Act, 1986* continue in force for the purpose of finally disposing of the petition.

24.—(1) The definition of “rental unit” in section 1 of the *Rental Housing Protection Act, 1986*, being chapter 26, is repealed and the following substituted therefor:

“rental unit” means premises used as rented residential premises and includes premises that have been used as rented residential premises and are vacant.

(2) The said section 1 is amended by adding thereto the following definition:

“rented residential premises” includes a room in a boarding house or lodging house.

(3) Section 3 of the said Act is amended by adding thereto the following subsection:

Idem

(2) This Act does not apply to premises that have been used as rented residential premises and are vacant if,

- (a) immediately before becoming vacant, the premises were used as something other than rented residential premises; and
- (b) the premises were converted to the use referred to in clause (a) without contravening this Act.

25.—(1) The *Rental Housing Protection Act, 1986*, as amended by section 24 of this Act, applies to rental residential properties even though they are vacant on the day section 24 comes into force. Transition
1986, c. 26

(2) Despite subsection (1), if all permits required under the *Building Code Act* and the *Planning Act, 1983* for a demolition, renovation or repair have been obtained before the coming into force of section 24 in respect of a vacant rental residential property, the approval of the council of a municipality under subsection 4 (1) of the *Rental Housing Protection Act, 1986* is not required. Idem
R.S.O. 1980,
c. 51
1983, c. 1

(3) Despite subsection (1), if a certificate has been given under subsection 52 (21) of the *Planning Act, 1983* before the coming into force of section 24 in respect of a vacant rental residential property, the approval of the council of a municipality under subsection 4 (1) of the *Rental Housing Protection Act, 1986* is not required. Idem

(4) Despite subsection (1), the approval of the council of a municipality under subsection 4 (1) of the *Rental Housing Protection Act, 1986* is not required in respect of a vacant rental residential property if, before the coming into force of section 24, Idem,
condominium
conversion

(a) a draft approval or a commitment for an exemption from an approval has been granted under section 50 of the *Condominium Act*; or R.S.O. 1980,
c. 84

(b) the Ontario Municipal Board has issued a decision approving an application for conversion to a condominium.

26. Paragraph 14 of subsection 47 (1) of the *Land Titles Act*, being chapter 230 of the Revised Statutes of Ontario, 1980, as enacted by the Statutes of Ontario, 1986, chapter 26, section 12, is repealed and the following substituted therefor:

14. The provisions of section 7 of the *Rental Housing Protection Act, 1989*. 1989, c. ...

27. The *Rental Housing Protection Act, 1986*, being chapter 26, and the *Rental Housing Protection Amendment Act, 1988*, being chapter 22, are repealed. Repeals

28.—(1) This Act, except sections 24 and 25, comes into force on a day to be named by proclamation of the Lieutenant Governor. Commence-
ment

Idem

(2) Sections 24 and 25 shall be deemed to have come into force on the 31st day of January, 1989.

Short title

29. The short title of this Act is the *Rental Housing Protection Act, 1989*.

87N

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Bill 211

An Act to revise the Rental Housing Protection Act, 1986

The Hon. C. Hošek
Minister of Housing



<i>1st Reading</i>	January 31st, 1989
<i>2nd Reading</i>	June 12th, 1989
<i>3rd Reading</i>	
<i>Royal Assent</i>	

*Continued from the 1st Session by an Order of the
Legislative Assembly of March 2nd, 1989.*

(Reprinted as amended by the Social Development Committee)

EXPLANATORY NOTES

The new Act proposed by the Bill replaces the existing *Rental Housing Protection Act, 1986*, and will apply generally to rental property situate in all municipalities other than those exempted by the regulations made under the Act.

In addition, the Bill, effective as of the day of its introduction and First Reading in the Assembly, amends the *Rental Housing Protection Act, 1986*, as it now exists, by enlarging the definition of “rental unit” to include vacant premises that have been previously used as rented residential premises. At present, the definition refers only to living accommodation that “is used” as rented residential premises. The new Act proposed by the Bill will carry forward the application of the Act to such vacant premises.

The new Act continues to require the approval of the municipal council to any proposal to convert rental property to condominium or other use or to demolish, renovate or repair or to sever such property. Rental property containing four or fewer units is generally exempt from the Act; however, in all municipalities, whether designated or not, the approval of council is required to convert rental property of any size to a condominium.

Some of the features of the new Act proposed by the Bill that differ from the existing Act are the following:

1. The Act does not contain a provision repealing it on a named day.
2. As mentioned above, the new Act will apply to vacant premises that have been previously used as rented residential premises.
3. Under the present Act, municipal council approval is required to renovations or repairs to residential property if a tenant is in possession of a rental unit and vacant possession of the unit would be required or, in the case of a vacant unit, if the unit has been vacant for less than one year; under the new Act approval continues to be required if a tenant is in possession of a rental unit and vacant possession is required but in the case of a vacant unit, regardless of the period of vacancy, approval is required if the renovation or repair is so extensive that, were the unit occupied, vacant possession would be required.
4. Approval of the municipal council to conversion of rental property is not required where the new use is for the purpose of occupation by a landlord or the landlord's spouse or children, etc., (under section 105 of the *Landlord and Tenant Act*) or by a person having the right to possession of a unit in a co-operative, if the co-operative was not established in contravention of the new Act or its predecessor (approval is required however in the case of the landlord requiring possession if, within the preceding three years, possession has been obtained of any rental unit in the rental property under section 105 of the *Landlord and Tenant Act*).
5. The Act prohibits the giving of notice of termination under section 105 of the *Landlord and Tenant Act* (where landlord, etc., personally requires the premises) unless the premises are exempt (see Note 4) or unless the approval of the municipal council is obtained.
6. Provisions are included in the Act to clarify the position of persons involved in the sale or lease of a share or interest in an existing co-operative.
7. The new Act contains penalties where harassment of a tenant has been proven. Minimum fines are included in the Act as well as a provision that requires municipalities to refuse to approve applications for a three-year period following the date of a conviction of harassment relating to the property.

8. The new Act extends the period for laying charges for violations of the Act from six months (under the current Act) to two years from the date the offence was committed.
9. The new Act provides the authority for the courts to return converted units to rental use where approval from municipal council was not first obtained.
10. The new Act drops the Petition to Cabinet but continues to specify that municipal decisions may be appealed to the Ontario Municipal Board.

Bill 211**1989**

**An Act to revise the
Rental Housing Protection Act, 1986**


HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Definitions

“co-operative” means a rental property that is,

- (a) ultimately owned or leased or otherwise held, directly or indirectly, by more than one person where any such person, or a person claiming under such person, has the right to present or future exclusive possession of a unit in the rental property and, without restricting the generality of the foregoing, includes a rental property that is owned or leased or otherwise held in trust or that is owned or leased or otherwise held by a partnership or limited partnership as partnership property, where any trustee, beneficiary, partner, general partner or limited partner, or other person claiming under such trustee, beneficiary, partner, general partner or limited partner, has the right to present or future exclusive possession of a unit in the rental property, or
- (b) ultimately owned or leased or otherwise held, directly or indirectly, by a corporation having more than one shareholder or member, where any such shareholder or member, or a person claiming under such shareholder or member, by reason of the ownership of shares in or being a member of the corporation, has the right to present or future exclusive possession of a unit in the rental property,

but does not include a non-profit co-operative housing corporation as defined in the *Residential Rent Regulation Act, 1986*;  1986, c. 63

“co-operative interest holder” means a person who has an interest in a co-operative or is a shareholder or member of a corporation that has an interest in a co-operative;

“Minister” means the Minister of Housing;

“Ministry” means the Ministry of Housing;

“municipality” means a city, town, village, improvement district or township;

“person” includes an individual, sole proprietorship, partnership, limited partnership, unincorporated association, unincorporated syndicate, unincorporated organization, trust, body corporate, and a natural person in his or her capacity as trustee, executor, administrator or other legal representative;

“prescribed” means prescribed by the regulations;

“regulations” means regulations made under this Act;

“related group of buildings” means buildings that are under the same ownership and on the same parcel of land as defined in section 45 of the *Planning Act, 1983*;

1983, c. 1

“rental property” means a building or related group of buildings containing one or more rental units, but does not include a condominium;

“rental unit” means premises used as rented residential premises and includes premises that have been used as rented residential premises and are vacant;

“rented residential premises” includes a room in a boarding house or lodging house;

“spouse” means a spouse as defined in clause 1 (ca) of the *Landlord and Tenant Act*.

R.S.O. 1980,
c. 232

APPLICATION OF ACT

Application
of Act

2.—(1) This Act applies to rental property situate in any municipality in Ontario, except a municipality that is exempted by the regulations, despite any other Act and despite any agreement to the contrary.

Idem

(2) Despite subsection (1), this Act applies to rental property situate in any municipality in Ontario in respect of a pro-

posed conversion of rental property to a co-operative or condominium.

3.—(1) This Act, or such part or parts thereof as are specified in the regulations, does not apply to rental units or rental properties or categories thereof that are exempted by the regulations for such general or special purposes as are specified therein. Exemptions

(2) A rental property is exempt from this Act if the number of residential units in the property, including the number of rental units, is four or fewer. Idem

(3) Subsection (2) does not apply in respect of a proposed conversion of rental property to a condominium. Exception

(4) This Act does not apply to premises that have been used as rented residential premises and are vacant if, Exemption

- (a) immediately before becoming vacant, the premises were used as something other than rented residential premises; and
- (b) the premises were converted to the use referred to in clause (a) without contravening this Act or a predecessor thereof.

PROHIBITIONS

4.—(1) No rental property, or part thereof, shall be, Prohibition

➡ (a) demolished;

(b) converted to use as a condominium, co-operative, hotel, motel, tourist home, inn or apartment hotel, or to any use for a purpose other than rental property; or ➡

(c) renovated or repaired if,

- (i) a tenant is in possession of a rental unit and vacant possession of the rental unit would be required, or
- (ii) the repair or renovation is to a vacant rental unit and is so extensive that, were the rental unit occupied, vacant possession of the unit would be required,

by any person unless the council of the municipality in which the property is situate approves of the demolition, conversion, renovation or repair.

Where
s. 4 (1) (b)
does not
apply

(2) Clause (1) (b) does not apply so as to require the approval of the council of the municipality if the conversion of rental property, or part thereof, is to use for the purposes of occupation by,

R.S.O. 1980,
c. 232

(a) a person referred to in section 105 of the *Landlord and Tenant Act*, except that approval is required where the occupation is pursuant to a notice of termination given on the grounds set out in that section if,

(i) another notice of termination has been given on the grounds set out in the said section 105 in respect of any rental unit in the rental property and the tenant thereof has vacated the premises pursuant to that other notice, unless three years have passed since the date the other notice was specified to be effective, or

(ii) within any sixty-day period, notices of termination are given on the grounds set out in the said section 105 in respect of any two or more rental units in the rental property, and the occupation of the rental units is to be by a person or persons referred to in the said section 105;

(b) a person who, by reason of being a co-operative interest holder has the right to present or future exclusive possession of a unit in the co-operative, if the co-operative did not result from a conversion from rental property or, where any such conversion took place, the conversion was not in contravention of this Act or a predecessor thereof; or

(c) the spouse or a child or parent of the person mentioned in clause (b) or a child or parent of the spouse of that person.

Where
s. 4 (1)
(a) and (b)
do not apply

(3) Clauses (1) (a) and (b) do not apply so as to require the approval of the council of the municipality where the demolition or conversion affects only those portions of a rental property in which no residential units are situate and in relation to which no vacant possession of a rental unit is required.

(4) For the purposes of this section, a building or part of a building shall be deemed to be an apartment hotel if it contains transient living accommodation which has self-contained bathroom and kitchen facilities and in respect of which accommodation the prescribed criteria are met.

Apartment
hotel

5.—(1) No consent shall be given under subsection 52 (1) of the *Planning Act, 1983* in respect of a rental property unless the council of the municipality in which the property is situate approves of the consent.



Approval
required for
severance
1983, c. 1

(2) Nothing in subsection (1) prevents a consent being given that is conditional on the approval of the council of the municipality being obtained.

Conditional
consent

6. If an approval is required under this Act, no permit, licence, consent, permission or approval under the following provisions shall be granted in respect of the rental property to which the approval under this Act relates until the certificate has been issued under subsection 13 (6):

Restriction
on issuing of
licences,
permits, etc.

1. A permit to construct or demolish a building under section 5 of the *Building Code Act*.  R.S.O. 1980, c. 51
2. A consent under section 33 or 34 of the *Ontario Heritage Act*. R.S.O. 1980, c. 337
3. A permit under section 43 of the *Ontario Heritage Act*.
4. A minor variance under section 44 of the *Planning Act, 1983*. 
5. A demolition permit under section 33 of the *Planning Act, 1983*.
6. Except as otherwise prescribed, a business licence under any provision of the *Municipal Act*. R.S.O. 1980, c. 302
7. A licence under section 4 of the *Tourism Act*. R.S.O. 1980, c. 507
8. An approval under section 3 of the *Hotel Fire Safety Act*. R.S.O. 1980, c. 207
9. Such other provisions as are prescribed under which a permit, licence, consent, permission or approval is granted.

CO-OPERATIVES

Prohibition,
co-operatives

7.—(1) No person shall sell, enter into an agreement to sell, lease or enter into an agreement to lease an interest in a co-operative or in a corporation owning or leasing any interest in a co-operative or enter into any other arrangement or transaction that has the effect of transferring an interest in a co-operative or in a corporation owning or leasing any interest in a co-operative except where the co-operative did not result from a conversion from rental property, or, where any such conversion took place, the conversion was not in contravention of this Act or a predecessor thereof.

Exception

(2) Subsection (1) does not apply to a lease or an agreement to lease an interest in a co-operative, or in a corporation owning or leasing any interest in a co-operative, for a term, including any entitlement to a renewal or renewals, of less than twenty-one years.

Exemption

(3) This section does not apply to the transfer of an interest in a co-operative or in a corporation owning or leasing any interest in a co-operative that is exempted by the regulations.

Consequences
of
contravention

(4) A conveyance, lease, agreement, arrangement or transaction entered into in contravention of subsection (1) is voidable at the instance of the person who acquired the interest in the co-operative or in the corporation owning or leasing any interest in the co-operative and any amount paid under the conveyance, lease, agreement, arrangement or transaction is recoverable by the person who so acquired the interest.

Interpretation

(5) For the purposes of subsections 4 (1) and (2) and this section, the conversion from rental property to the co-operative occurs when the first lease or sale of an interest in rental property or of a share in a corporation owning or leasing any interest in rental property takes place that carries with it the right to occupy a specific unit in the rental property or when a rental property is transferred or leased to a corporation of the type mentioned in clause (b) of the definition of “co-operative” in section 1, and, for the purposes of this subsection, where a lease or sale of a share or interest takes place, the lease or sale shall be deemed to have occurred on the day the agreement to enter into the lease or the agreement for sale was entered into.

Idem

(6) For the purposes of subsection (5), “lease or sale” means any arrangement or transaction that has the effect of transferring an interest in a co-operative or in a corporation owning or leasing any interest in a co-operative.

CONDOMINIUMS

8.—(1) The council of a municipality, when considering an application for conversion to a condominium under clause 4 (1) (b), shall also, in the place of the Minister of Municipal Affairs, exercise the powers conferred on the Minister of Municipal Affairs under section 50 of the *Condominium Act* respecting the approval or exemption of descriptions.

Power of council

R.S.O. 1980, c. 84

(2) The consideration by council of an application for condominium conversion under clause 4 (1) (b) is independent of the powers exercised by council under section 50 of the *Condominium Act*, but no final approval shall be given under section 50 unless approval has been obtained under this Act.

Two separate matters

TERMINATION OF TENANCIES

9.—(1) No notice of termination shall be given on the grounds set out in section 107 of the *Landlord and Tenant Act* unless the approval of the council of the municipality under subsection 4 (1) has been obtained, where such approval is required, and a copy of the certificate issued under subsection 13 (6) is given at the time the notice is given.

Certificate required for valid notice
R.S.O. 1980, c. 232

(2) A notice of termination given in contravention of subsection (1) is void.

Notice void

(3) Despite section 113 of the *Landlord and Tenant Act*, no order for a writ of possession shall be issued in respect of the grounds set out in section 107 of that Act, even if the notice of termination was given or application made for a writ of possession before the coming into force of this Act, unless the approval of the council of the municipality under subsection 4 (1) of this Act or a predecessor thereof, as the case may be, has been obtained where such approval is required.

Restriction re: writ of possession

10.—(1) No notice of termination shall be given on the grounds set out in section 105 of the *Landlord and Tenant Act* unless the approval of the council of the municipality under subsection 4 (1) has been obtained, where such approval is required, and a copy of the certificate issued under subsection 13 (6) is given at the time the notice is given.

Certificate or exemption required for valid notice

(2) A notice of termination given in contravention of subsection (1) is void.

Notice void

(3) Despite section 113 of the *Landlord and Tenant Act*, no order for a writ of possession shall be issued in respect of the grounds set out in section 105 of that Act, even if the notice of termination was given or application made before the com-

Restriction re: writ of possession
R.S.O. 1980, c. 232

ing into force of this Act, unless the approval of the council of the municipality under subsection 4 (1) has been obtained, where such approval is required.

APPLICATIONS

Application
for approval

11.—(1) An owner of rental property may apply in writing for an approval under this Act to the clerk of the municipality and the application shall contain such information as may be prescribed.

Notice to
tenants

(2) Notice in the prescribed form of the application shall be given in the prescribed manner by the applicant to each tenant of a rental unit in the rental property within five days of the application being made.

Notice by
municipality

(3) The council of the municipality shall give a copy of the application and a request for written comments, together with such additional material as may be prescribed, to such persons and in such manner as is prescribed.

Inspection
and report

(4) The council of the municipality may require an applicant to cause an architect, professional engineer or other qualified person to make a physical inspection of the rental property and to make a report on matters determined by the municipality to be of concern or it may require that the inspection be made and report prepared by its chief building official.

Entry for
inspection

(5) For the purposes of an inspection under subsection (4), a person authorized to inspect a rental unit has the right to enter the rental unit at reasonable times upon giving at least twenty-four hours written notice to the tenant specifying the time of entry and a tenant shall permit the entry of such person during that time.

Copy of
report made
available

(6) A copy of the report referred to in subsection (4) shall be made available by the municipality for inspection by the public.

Power of
council

(7) The council may approve the application with or without such conditions as in its opinion are reasonable or reject the application but council shall not approve the application unless such criteria as are prescribed are met.

Information
and public
meeting

(8) Before considering an application under this section, the council shall ensure that adequate information is made available to the public, and for this purpose shall hold at least one public meeting, notice of which shall be given in such

form and content and in such manner and to such persons as are prescribed.

(9) The meeting mentioned in subsection (8) shall be held not sooner than fifteen days after the requirements for the giving of notice of the meeting have been complied with and any person who attends the meeting shall be afforded an opportunity to make representation in respect of the proposed application.

Time for
meeting, etc.

(10) Written notice of the decision of council, including the reasons for the decision and the time limit within which the decision may be appealed to the Ontario Municipal Board, shall be sent within five days of the making thereof to the applicant, to every person who in writing requested to be given notice of the decision and to every other prescribed person.

Notice of
decision

12.—(1) Every municipality may enter into agreements imposed as a condition to an approval under this Act and any such agreement may be registered against the land to which it applies.

Agreements

(2) The municipality is entitled to enforce the provisions of the agreement against the owner and, subject to the *Registry Act* and the *Land Titles Act*, any subsequent owner of the land.

Enforcement
R.S.O. 1980,
cc. 445, 230

(3) Where the terms of an agreement registered under subsection (1) have been complied with or where the time during which the agreement is to remain in effect has expired, the municipality shall cause to be registered in the proper land registry office a certificate signed by the clerk of the municipality stating that the terms of the agreement have been complied with or that the time the agreement is to remain in effect has expired, as the case may be, and thereupon the land against which the agreement is registered is free and clear of the terms of the agreement.

Certificate
agreement
complied
with, etc.

APPEALS

13.—(1) Where the council refuses or neglects to make a decision on the application made in accordance with this Act within thirty days of the receipt of the application by the clerk of the municipality, the applicant may appeal to the Ontario Municipal Board by filing with the clerk of the municipality a notice of appeal.

Appeal to
O.M.B.

(2) Any person who is not satisfied with the decision of council may, not later than twenty days after the date of the

Appeal of
decision to
O.M.B.

decision, appeal to the Ontario Municipal Board by filing with the clerk of the municipality a notice of appeal setting out the objection to the decision and the reasons for the objection.

Record

(3) The clerk of the municipality, upon receipt of a notice of appeal under subsection (1) or (2), shall compile a record and forward the notice of appeal and the record to the secretary of the Ontario Municipal Board and shall provide such information or material as the Board may require in respect of the appeal.

Hearing

(4) The Ontario Municipal Board shall hold a hearing and has the same authority as does the council under subsection 11 (7) but, if all appeals have been withdrawn before the hearing, the decision of the council is final and the secretary of the Board shall notify the clerk of the municipality who shall notify the applicant.

No petition
from O.M.B.
R.S.O. 1980,
c. 347

(5) Despite section 94 of the *Ontario Municipal Board Act*, there is no right to file a petition under that section in respect of an order or decision of the Board made in respect of a matter appealed to the Board under this Act.

Certificate
that approval
given

(6) When an approval has been given under this Act by the municipality or the Ontario Municipal Board, the clerk of the municipality shall issue a certificate in the prescribed form to the applicant stating that the approval has been given.

When
certificate of
approval to
be issued

(7) No certificate of approval shall be issued until the time for an appeal has passed or until the appeal has been disposed of, whichever is later and, until the certificate is issued, no person shall commence the activity mentioned in subsection 4 (1) or carry out the transaction to which the consent mentioned in subsection 5 (1) relates, as the case may be.

Conditions to
be fulfilled

(8) Where a condition has been imposed, the certificate shall not be given until the council is satisfied that the condition has been fulfilled.

Certificate
conclusive

(9) The certificate issued under subsection (6) is conclusive evidence that the approval was given and that the provisions of this Act leading to the approval have been complied with.

Idem

(10) After the certificate has been issued, no action may be maintained to question the validity of the approval, but nothing in this subsection prevents an application for judicial review or an appeal to the Divisional Court as may be provided by law or any further appeal therefrom.

INSPECTIONS

14.—(1) The Minister or a municipality may designate as inspectors such employees of the Ministry or of the municipality respectively as are considered necessary by the Minister or the municipality for the purposes of ensuring that this Act and the regulations are complied with. Inspectors

(2) An inspector may, on giving twenty-four hours prior written notice to the owner of the rental property of the intention to do so, at reasonable times and on producing proper identification, Inspection

- (a) enter and inspect any rental property except any room or place therein actually used as a dwelling; and
- (b) upon giving a receipt therefor, remove from the rental property any document or thing found during the course of the inspection, and that may be relevant thereto, for the purpose of making copies or extracts and shall promptly thereafter return them to the rental property from which they were removed.

(3) No person shall hinder, obstruct or interfere with an inspector in the exercise of the right of entry and inspection and removal of documents or things conferred under subsection (2). Obstruction

(4) Where a justice of the peace is satisfied by evidence under oath, Warrant to enter and inspect rental property

- (a) that the entry and inspection of a rental property is authorized under subsection (2) and is reasonably necessary in the enforcement of this Act; and
- (b) that an inspector has been denied access to the rental property or that there are reasonable grounds to believe that access would be refused,

the justice of the peace may issue a warrant in the prescribed form authorizing an inspector named in the warrant to enter and inspect the rental property, by the use of force if necessary, together with such police officers as may be called upon to assist the inspector, and upon giving a receipt therefor, to remove from the rental property any document or thing found during the course of the inspection, and that may be relevant thereto, for the purpose of making copies or extracts and shall

promptly thereafter return them to the rental property from which they were removed.

When to be
executed and
expiry

(5) A warrant issued under subsection (4) shall be executed at reasonable times as specified in the warrant and the warrant shall state the date upon which it expires which date shall not be later than fifteen days after the warrant is issued.

Entry into
common
areas

(6) On the invitation to do so by the occupier of a rental unit, an inspector may enter and inspect any common areas of the rental property in which the rental unit is located and to which the occupier has a right of access.

Entry into
dwelling
place

(7) Except under the authority of a warrant issued under subsection (8), an inspector shall not enter any room or place actually used as a dwelling for the purposes of inspecting that dwelling without requesting and obtaining the consent of the occupier, first having informed the occupier that the right of entry may be refused and entry made only under the authority of a warrant.

Warrant to
enter and
search

(8) Where a justice of the peace is satisfied by evidence under oath,

- (a) that there is reasonable and probable ground for believing that an offence under this Act has been committed; and
- (b) that there is reasonable and probable ground for believing that the entry into and search of any building, receptacle or place will afford evidence as to the commission of the offence,

the justice of the peace may issue a warrant in the prescribed form authorizing an inspector named in the warrant to enter and search the building, receptacle or place, by the use of force if necessary, together with such police officers as may be called upon to assist the inspector, and upon giving a receipt therefor, to remove from the building, receptacle or place any document or thing that may afford evidence of the offence for the purpose of making copies or extracts and shall promptly return them to the building, receptacle or place from which they were removed.

When to be
executed and
expiry

(9) A warrant issued under subsection (8) shall be executed at reasonable times as specified in the warrant and the warrant shall state the date upon which it expires which date shall not be later than fifteen days after the warrant is issued.

(10) Copies of or extracts from documents and things removed under this section and certified as being true copies of, or extracts from, the originals by the person who made them are admissible in evidence to the same extent as, and have the same evidentiary value as, the documents or things of which they are copies or extracts.

Admissibility
of copies

GENERAL

15.—(1) The council of a municipality may by by-law establish fees for the processing of an application made under this Act.

Fees

(2) The fees shall not exceed the anticipated cost to the municipality of processing the application and of having its chief building official make an inspection of the rental property.

Idem

16. The Minister may make grants to municipalities to assist them in training their employees in the administration of this Act.

Grants to
municipalities

17.—(1) Where, on an application made to the District Court or the Supreme Court by a tenant, former tenant, municipal corporation or the Minister, the court determines that an owner or tenant of rental property or person acting on behalf of the owner or tenant has converted, has attempted to convert or is in the process of converting the property or part thereof to a condominium, co-operative, hotel, motel, tourist home, inn or apartment hotel, or to any use for a purpose other than rental property without the approval of council under subsection 4 (1), where such approval was required, the court may make one or more of the following orders:

Restraining,
etc., order

1. An order restraining the owner or tenant or person acting on behalf of the owner or tenant from converting or continuing to convert the property.
2. An order requiring the owner or tenant or any subsequent owner or tenant to return the property to the use to which it was being put immediately prior to the conversion or attempted conversion.
3. An order restoring the tenancy and putting the tenant of a rental unit back into possession.

(2) An order made under subsection (1) may require the owner or tenant or any subsequent owner or tenant or person acting on behalf of any one of them, as the case requires, to

Idem

take such steps as the court considers necessary to give effect to the order.

Joint
application

(3) A joint application may be brought by persons who are eligible to bring an application under subsection (1).


Remedies are
additional

(4) The remedies provided by this section are in addition to any other remedies existing by law.

Regulations

18. The Lieutenant Governor in Council may make regulations,



(a) exempting any municipality or part thereof from this Act; 

(b) exempting rental units or rental properties, or categories thereof, from this Act or any part or parts thereof for such general or specific purposes as are specified;

(c) prescribing, for the purposes of subsection 11 (7), the criteria upon which approval may be granted or refused by a municipality under subsection 4 (1) or 5 (1);

(d) prescribing, for the purposes of subsection 4 (4), criteria to be met by transient living accommodation;

(e) exempting the transfer of an interest in a co-operative or in a corporation owning or leasing any interest in a co-operative or any category of co-operatives from section 7;

R.S.O. 1980,
c. 302

(f) prescribing, for the purposes of paragraph 6 of section 6, provisions of the *Municipal Act* respecting a business licence to which that paragraph does not apply;

(g) prescribing, for the purposes of section 6, additional provisions respecting a permit, licence, consent, permission or approval;

(h) prescribing the information to be contained in an application under subsection 11 (1);

(i) prescribing the form of notice to be given and the manner in which notice is to be given under subsection 11 (2);

- (j) prescribing, for the purposes of subsection 11 (3), the persons to whom and the manner in which the copy of the application is to be given by the council and prescribing additional material to be given with the copy of the application;
- (k) prescribing, for the purposes of subsection 11 (8), the form and content of the notice and the manner in which and the persons to whom the notice is to be given by the council;
- (l) prescribing, for the purposes of subsection 11 (10), other persons to whom notice of the decision of council shall be given;
- (m) prescribing the form of the certificate of approval under subsection 13 (6);
- ➡ (n) prescribing, for the purposes of subsection 14 (4), the form of a warrant to enter and inspect, and for the purposes of subsection 14 (8), the form of a warrant to enter and search; ⬆
- (o) prescribing anything that by this Act is to be or may be prescribed.

OFFENCES

19. Every person who contravenes subsection 4 (1), 7 (1), 9 (1), 10 (1) or 14 (3), and every director or officer of a corporation who authorized, permitted or acquiesced in the contravention by the corporation, is guilty of an offence and on conviction is liable to a fine of not more than \$50,000 or to imprisonment for a term of not more than one year, or to both, but no person is guilty of an offence if the person did not know, and in the exercise of due diligence could not have known, of the contravention. Offence

20.—(1) No owner of rental property or person acting on the owner's behalf shall interfere with the reasonable enjoyment of a rental unit in the rental property by the tenant thereof with the intent of discouraging the participation of the tenant in the application process described in section 11 or the appeal process described in section 13 or with the intent of otherwise facilitating the obtaining of the approval of the council of a municipality on an application made under this Act. Harassment of tenant

(2) Every person who contravenes subsection (1) and every director or officer of a corporation who authorized, permitted Offence

or acquiesced in the contravention is guilty of an offence and on conviction is liable to a fine of not less than \$1,000 and not more than \$50,000 or to imprisonment for a term of not more than one year, or to both, but no director or officer is guilty of an offence if he or she did not know, and in the exercise of due diligence could not have known, of the contravention.

Address of
rental unit

(3) An information commencing a proceeding under this section shall contain the complete municipal address of the rental unit to which the information relates.

Penalty

(4) In addition to levying a fine or imposing a term of imprisonment under subsection (2) and notwithstanding any other remedy existing by law, the court may order that the person convicted pay to the aggrieved tenant an amount not exceeding \$2,000 as a penalty for the unlawful interference.

Civil
remedies not
precluded

(5) No disposition made under subsection (4) precludes the tenant from pursuing any civil remedy existing by law.

Certificate of
conviction to
clerk

(6) A certificate or other proof of a conviction under subsection (2) shall be forwarded by the court to the clerk of the municipality in which the rental unit is situate.

Copy to
contain
address

(7) The certificate or other proof of conviction forwarded to the clerk under subsection (6) shall contain the address of the rental unit as set out in the information.

Restriction
on approval

(8) Where notice of a conviction under subsection (2) is received by the clerk of the municipality, the clerk shall inform the council and no approval shall then be given under subsection 4 (1) or 5 (1) in respect of a rental unit in the same rental property unless,

(a) three years have passed since the date of conviction;
or

(b) an appeal is brought and the conviction is quashed.

Limitation of
action

21. Proceedings shall not be commenced, in respect of an offence under this Act, after two years from the date the offence was, or is alleged to have been, committed.

MISCELLANEOUS

Immunity for
acts done in
good faith

22.—(1) No action or other proceeding for compensation or damages shall be instituted against any officer or employee of the Ministry for any act done in good faith in the performance or intended performance of any duty or in the exercise or intended exercise of any power under this Act or the

regulations or for any neglect or default in the performance or exercise in good faith of such duty or power.

(2) No action or other proceeding for compensation or damages shall be instituted against any officer or employee of a municipality for any act done in good faith in the performance or intended performance of any duty or in the exercise or intended exercise of any power under this Act or the regulations or for any neglect or default in the performance or exercise in good faith of such duty or power. Idem

(3) Subsection (1) does not, by reason of subsections 5 (2) and (4) of the *Proceedings Against the Crown Act*, relieve the Crown of liability in respect of a tort committed by a person mentioned in subsection (1) to which it would otherwise be subject and subsection (2) does not relieve a municipal corporation of any liability in respect of a tort committed by a municipal officer or employee to which it would otherwise be subject, and the Crown or the municipal corporation, as the case may be, is liable for any such tort as though subsections (1) and (2) had not been enacted. Liability of Crown and municipality
R.S.O. 1980, c. 393

23.—(1) If all permits required under the *Building Code Act* and the *Planning Act, 1983* for a demolition, renovation or repair have been obtained before the 10th day of July, 1986, or, in respect of vacant rental property, have been obtained before the coming into force of section 24, the approval of council under subsection 4 (1) is not required. Transition
R.S.O. 1980, c. 51
1983, c. 1

(2) If a certificate has been given under subsection 52 (21) of the *Planning Act, 1983* before the 10th day of July, 1986, or, in respect of vacant rental property, has been given before the coming into force of section 24, the approval of council under subsection 5 (1) is not required. Idem

(3) If a draft approval or a commitment for an exemption from an approval has been granted under section 50 of the *Condominium Act* or the Ontario Municipal Board has issued a decision approving an application for conversion to a condominium before the 10th day of July, 1986, or, in respect of vacant rental property, has been granted or issued before the coming into force of section 24, the approval of the council of a municipality under subsection 4 (1) is not required. Condominium conversion
R.S.O. 1980, c. 84

(4) Any proceeding that has been commenced under the *Rental Housing Protection Act, 1986* before the day this section comes into force shall be continued and finally disposed of under that Act, except that no petition may be filed with the Clerk of the Executive Council under subsection 7 (17) of Proceedings continued under
1986, c. 26

R.S.O. 1980, c. 347, that Act or under section 94 of the *Ontario Municipal Board Act*.

Right to
petition
continued

(5) Despite subsection (4), where a petition has been filed under subsection 7 (17) of the *Rental Housing Protection Act, 1986* before the coming into force of this section, subsections 7 (17) and (18) of the *Rental Housing Protection Act, 1986* continue in force for the purpose of finally disposing of the petition.

24.—(1) The definition of “rental unit” in section 1 of the *Rental Housing Protection Act, 1986*, being chapter 26, is repealed and the following substituted therefor:

“rental unit” means premises used as rented residential premises and includes premises that have been used as rented residential premises and are vacant.

(2) The said section 1 is amended by adding thereto the following definition:

“rented residential premises” includes a room in a boarding house or lodging house.

(3) Section 3 of the said Act is amended by adding thereto the following subsection:

Idem

(2) This Act does not apply to premises that have been used as rented residential premises and are vacant if,

(a) immediately before becoming vacant, the premises were used as something other than rented residential premises; and

(b) the premises were converted to the use referred to in clause (a) without contravening this Act.

Transition
1986, c. 26

25.—(1) The *Rental Housing Protection Act, 1986*, as amended by section 24 of this Act, applies to rental residential properties even though they are vacant on the day section 24 comes into force.

Idem

R.S.O. 1980,
c. 51
1983, c. 1

(2) Despite subsection (1), if all permits required under the *Building Code Act* and the *Planning Act, 1983* for a demolition, renovation or repair have been obtained before the coming into force of section 24 in respect of a vacant rental residential property, the approval of the council of a municipality under subsection 4 (1) of the *Rental Housing Protection Act, 1986* is not required.


(3) Despite subsection (1), if a certificate has been given under subsection 52 (21) of the *Planning Act, 1983* before the coming into force of section 24 in respect of a vacant rental residential property, the approval of the council of a municipality under subsection 4 (1) of the *Rental Housing Protection Act, 1986* is not required. Idem

(4) Despite subsection (1), the approval of the council of a municipality under subsection 4 (1) of the *Rental Housing Protection Act, 1986* is not required in respect of a vacant rental residential property if, before the coming into force of section 24, Idem,
condominium
conversion

(a) a draft approval or a commitment for an exemption from an approval has been granted under section 50 of the *Condominium Act*; or

R.S.O. 1980,
c. 84

(b) the Ontario Municipal Board has issued a decision approving an application for conversion to a condominium. ◀

 **26.** Subsection 12 (2) of the *Rental Housing Protection Act, 1986*, being chapter 26, as amended by the Statutes of Ontario, 1988, chapter 22, section 1, is repealed.

27.—(1) This Act, except sections 24 and 25, comes into force on the 30th day of June, 1989. Commence-
ment

(2) Sections 24 and 25 shall be deemed to have come into force on the 31st day of January, 1989. Idem
▶

28. The short title of this Act is the *Rental Housing Protection Act, 1989*. Short title

Bill 211

(Chapter 31
Statutes of Ontario, 1989)

An Act to revise the Rental Housing Protection Act, 1986

The Hon. C. Hošek
Minister of Housing



<i>1st Reading</i>	January 31st, 1989
<i>2nd Reading</i>	June 12th, 1989
<i>3rd Reading</i>	June 29th, 1989
<i>Royal Assent</i>	June 29th, 1989

*Continued from the 1st Session by an Order of the
Legislative Assembly of March 2nd, 1989*

Bill 211**1989**

**An Act to revise the
Rental Housing Protection Act, 1986**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Definitions

“co-operative” means a rental property that is,

- (a) ultimately owned or leased or otherwise held, directly or indirectly, by more than one person where any such person, or a person claiming under such person, has the right to present or future exclusive possession of a unit in the rental property and, without restricting the generality of the foregoing, includes a rental property that is owned or leased or otherwise held in trust or that is owned or leased or otherwise held by a partnership or limited partnership as partnership property, where any trustee, beneficiary, partner, general partner or limited partner, or other person claiming under such trustee, beneficiary, partner, general partner or limited partner, has the right to present or future exclusive possession of a unit in the rental property, or
- (b) ultimately owned or leased or otherwise held, directly or indirectly, by a corporation having more than one shareholder or member, where any such shareholder or member, or a person claiming under such shareholder or member, by reason of the ownership of shares in or being a member of the corporation, has the right to present or future exclusive possession of a unit in the rental property,

but does not include a non-profit co-operative housing corporation as defined in the *Residential Rent Regulation Act*, 1986, c. 63 1986;

“co-operative interest holder” means a person who has an interest in a co-operative or is a shareholder or member of a corporation that has an interest in a co-operative;

“Minister” means the Minister of Housing;

“Ministry” means the Ministry of Housing;

“municipality” means a city, town, village, improvement district or township;

“person” includes an individual, sole proprietorship, partnership, limited partnership, unincorporated association, unincorporated syndicate, unincorporated organization, trust, body corporate, and a natural person in his or her capacity as trustee, executor, administrator or other legal representative;

“prescribed” means prescribed by the regulations;

“regulations” means regulations made under this Act;

1983, c. 1

“related group of buildings” means buildings that are under the same ownership and on the same parcel of land as defined in section 45 of the *Planning Act, 1983*;

“rental property” means a building or related group of buildings containing one or more rental units, but does not include a condominium;

“rental unit” means premises used as rented residential premises and includes premises that have been used as rented residential premises and are vacant;

“rented residential premises” includes a room in a boarding house or lodging house;

R.S.O. 1980,
c. 232

“spouse” means a spouse as defined in clause 1 (ca) of the *Landlord and Tenant Act*.

APPLICATION OF ACT

Application
of Act

2.—(1) This Act applies to rental property situate in any municipality in Ontario, except a municipality that is exempted by the regulations, despite any other Act and despite any agreement to the contrary.

Idem

(2) Despite subsection (1), this Act applies to rental property situate in any municipality in Ontario in respect of a pro-

posed conversion of rental property to a co-operative or condominium.

3.—(1) This Act, or such part or parts thereof as are specified in the regulations, does not apply to rental units or rental properties or categories thereof that are exempted by the regulations for such general or special purposes as are specified therein. Exemptions

(2) A rental property is exempt from this Act if the number of residential units in the property, including the number of rental units, is four or fewer. Idem

(3) Subsection (2) does not apply in respect of a proposed conversion of rental property to a condominium. Exception

(4) This Act does not apply to premises that have been used as rented residential premises and are vacant if, Exemption

- (a) immediately before becoming vacant, the premises were used as something other than rented residential premises; and
- (b) the premises were converted to the use referred to in clause (a) without contravening this Act or a predecessor thereof.

PROHIBITIONS

4.—(1) No rental property, or part thereof, shall be, Prohibition

- (a) demolished;
- (b) converted to use as a condominium, co-operative, hotel, motel, tourist home, inn or apartment hotel, or to any use for a purpose other than rental property; or
- (c) renovated or repaired if,
 - (i) a tenant is in possession of a rental unit and vacant possession of the rental unit would be required, or
 - (ii) the repair or renovation is to a vacant rental unit and is so extensive that, were the rental unit occupied, vacant possession of the unit would be required,

by any person unless the council of the municipality in which the property is situate approves of the demolition, conversion, renovation or repair.

Where
s. 4 (1) (b)
does not
apply

(2) Clause (1) (b) does not apply so as to require the approval of the council of the municipality if the conversion of rental property, or part thereof, is to use for the purposes of occupation by,

R.S.O. 1980,
c. 232

(a) a person referred to in section 105 of the *Landlord and Tenant Act*, except that approval is required where the occupation is pursuant to a notice of termination given on the grounds set out in that section if,

(i) another notice of termination has been given on the grounds set out in the said section 105 in respect of any rental unit in the rental property and the tenant thereof has vacated the premises pursuant to that other notice, unless three years have passed since the date the other notice was specified to be effective, or

(ii) within any sixty-day period, notices of termination are given on the grounds set out in the said section 105 in respect of any two or more rental units in the rental property, and the occupation of the rental units is to be by a person or persons referred to in the said section 105;

(b) a person who, by reason of being a co-operative interest holder has the right to present or future exclusive possession of a unit in the co-operative, if the co-operative did not result from a conversion from rental property or, where any such conversion took place, the conversion was not in contravention of this Act or a predecessor thereof; or

(c) the spouse or a child or parent of the person mentioned in clause (b) or a child or parent of the spouse of that person.

Where
s. 4 (1)
(a) and (b)
do not apply

(3) Clauses (1) (a) and (b) do not apply so as to require the approval of the council of the municipality where the demolition or conversion affects only those portions of a rental property in which no residential units are situate and in relation to which no vacant possession of a rental unit is required.

(4) For the purposes of this section, a building or part of a building shall be deemed to be an apartment hotel if it contains transient living accommodation which has self-contained bathroom and kitchen facilities and in respect of which accommodation the prescribed criteria are met.

Apartment
hotel

5.—(1) No consent shall be given under subsection 52 (1) of the *Planning Act, 1983* in respect of a rental property unless the council of the municipality in which the property is situate approves of the consent.

Approval
required for
severance
1983, c. 1

(2) Nothing in subsection (1) prevents a consent being given that is conditional on the approval of the council of the municipality being obtained.

Conditional
consent

6. If an approval is required under this Act, no permit, licence, consent, permission or approval under the following provisions shall be granted in respect of the rental property to which the approval under this Act relates until the certificate has been issued under subsection 13 (6):

Restriction
on issuing of
licences,
permits, etc.

1. A permit to construct or demolish a building under section 5 of the *Building Code Act*.
R.S.O. 1980, c. 51
2. A consent under section 33 or 34 of the *Ontario Heritage Act*.
R.S.O. 1980, c. 337
3. A permit under section 43 of the *Ontario Heritage Act*.
4. A minor variance under section 44 of the *Planning Act, 1983*.
5. A demolition permit under section 33 of the *Planning Act, 1983*.
6. Except as otherwise prescribed, a business licence under any provision of the *Municipal Act*.
R.S.O. 1980, c. 302
7. A licence under section 4 of the *Tourism Act*.
R.S.O. 1980, c. 507
8. An approval under section 3 of the *Hotel Fire Safety Act*.
R.S.O. 1980, c. 207
9. Such other provisions as are prescribed under which a permit, licence, consent, permission or approval is granted.

CO-OPERATIVES

Prohibition,
co-operatives

7.—(1) No person shall sell, enter into an agreement to sell, lease or enter into an agreement to lease an interest in a co-operative or in a corporation owning or leasing any interest in a co-operative or enter into any other arrangement or transaction that has the effect of transferring an interest in a co-operative or in a corporation owning or leasing any interest in a co-operative except where the co-operative did not result from a conversion from rental property, or, where any such conversion took place, the conversion was not in contravention of this Act or a predecessor thereof.

Exception

(2) Subsection (1) does not apply to a lease or an agreement to lease an interest in a co-operative, or in a corporation owning or leasing any interest in a co-operative, for a term, including any entitlement to a renewal or renewals, of less than twenty-one years.

Exemption

(3) This section does not apply to the transfer of an interest in a co-operative or in a corporation owning or leasing any interest in a co-operative that is exempted by the regulations.

Consequences
of
contravention

(4) A conveyance, lease, agreement, arrangement or transaction entered into in contravention of subsection (1) is voidable at the instance of the person who acquired the interest in the co-operative or in the corporation owning or leasing any interest in the co-operative and any amount paid under the conveyance, lease, agreement, arrangement or transaction is recoverable by the person who so acquired the interest.

Interpretation

(5) For the purposes of subsections 4 (1) and (2) and this section, the conversion from rental property to the co-operative occurs when the first lease or sale of an interest in rental property or of a share in a corporation owning or leasing any interest in rental property takes place that carries with it the right to occupy a specific unit in the rental property or when a rental property is transferred or leased to a corporation of the type mentioned in clause (b) of the definition of “co-operative” in section 1, and, for the purposes of this subsection, where a lease or sale of a share or interest takes place, the lease or sale shall be deemed to have occurred on the day the agreement to enter into the lease or the agreement for sale was entered into.

Idem

(6) For the purposes of subsection (5), “lease or sale” means any arrangement or transaction that has the effect of transferring an interest in a co-operative or in a corporation owning or leasing any interest in a co-operative.

CONDOMINIUMS

8.—(1) The council of a municipality, when considering an application for conversion to a condominium under clause 4 (1) (b), shall also, in the place of the Minister of Municipal Affairs, exercise the powers conferred on the Minister of Municipal Affairs under section 50 of the *Condominium Act* respecting the approval or exemption of descriptions.

Power of council

R.S.O. 1980,
c. 84

(2) The consideration by council of an application for condominium conversion under clause 4 (1) (b) is independent of the powers exercised by council under section 50 of the *Condominium Act*, but no final approval shall be given under section 50 unless approval has been obtained under this Act.

Two separate matters

TERMINATION OF TENANCIES

9.—(1) No notice of termination shall be given on the grounds set out in section 107 of the *Landlord and Tenant Act* unless the approval of the council of the municipality under subsection 4 (1) has been obtained, where such approval is required, and a copy of the certificate issued under subsection 13 (6) is given at the time the notice is given.

Certificate required for valid notice
R.S.O. 1980,
c. 232

(2) A notice of termination given in contravention of subsection (1) is void.

Notice void

(3) Despite section 113 of the *Landlord and Tenant Act*, no order for a writ of possession shall be issued in respect of the grounds set out in section 107 of that Act, even if the notice of termination was given or application made for a writ of possession before the coming into force of this Act, unless the approval of the council of the municipality under subsection 4 (1) of this Act or a predecessor thereof, as the case may be, has been obtained where such approval is required.

Restriction re: writ of possession

10.—(1) No notice of termination shall be given on the grounds set out in section 105 of the *Landlord and Tenant Act* unless the approval of the council of the municipality under subsection 4 (1) has been obtained, where such approval is required, and a copy of the certificate issued under subsection 13 (6) is given at the time the notice is given.

Certificate or exemption required for valid notice

(2) A notice of termination given in contravention of subsection (1) is void.

Notice void

(3) Despite section 113 of the *Landlord and Tenant Act*, no order for a writ of possession shall be issued in respect of the grounds set out in section 105 of that Act, even if the notice of termination was given or application made before the com-

Restriction re: writ of possession
R.S.O. 1980,
c. 232

ing into force of this Act, unless the approval of the council of the municipality under subsection 4 (1) has been obtained, where such approval is required.

APPLICATIONS

Application
for approval

11.—(1) An owner of rental property may apply in writing for an approval under this Act to the clerk of the municipality and the application shall contain such information as may be prescribed.

Notice to
tenants

(2) Notice in the prescribed form of the application shall be given in the prescribed manner by the applicant to each tenant of a rental unit in the rental property within five days of the application being made.

Notice by
municipality

(3) The council of the municipality shall give a copy of the application and a request for written comments, together with such additional material as may be prescribed, to such persons and in such manner as is prescribed.

Inspection
and report

(4) The council of the municipality may require an applicant to cause an architect, professional engineer or other qualified person to make a physical inspection of the rental property and to make a report on matters determined by the municipality to be of concern or it may require that the inspection be made and report prepared by its chief building official.

Entry for
inspection

(5) For the purposes of an inspection under subsection (4), a person authorized to inspect a rental unit has the right to enter the rental unit at reasonable times upon giving at least twenty-four hours written notice to the tenant specifying the time of entry and a tenant shall permit the entry of such person during that time.

Copy of
report made
available

(6) A copy of the report referred to in subsection (4) shall be made available by the municipality for inspection by the public.

Power of
council

(7) The council may approve the application with or without such conditions as in its opinion are reasonable or reject the application but council shall not approve the application unless such criteria as are prescribed are met.

Information
and public
meeting

(8) Before considering an application under this section, the council shall ensure that adequate information is made available to the public, and for this purpose shall hold at least one public meeting, notice of which shall be given in such

form and content and in such manner and to such persons as are prescribed.

(9) The meeting mentioned in subsection (8) shall be held not sooner than fifteen days after the requirements for the giving of notice of the meeting have been complied with and any person who attends the meeting shall be afforded an opportunity to make representation in respect of the proposed application. Time for meeting, etc.

(10) Written notice of the decision of council, including the reasons for the decision and the time limit within which the decision may be appealed to the Ontario Municipal Board, shall be sent within five days of the making thereof to the applicant, to every person who in writing requested to be given notice of the decision and to every other prescribed person. Notice of decision

12.—(1) Every municipality may enter into agreements imposed as a condition to an approval under this Act and any such agreement may be registered against the land to which it applies. Agreements

(2) The municipality is entitled to enforce the provisions of the agreement against the owner and, subject to the *Registry Act* and the *Land Titles Act*, any subsequent owner of the land. Enforcement
R.S.O. 1980,
cc. 445, 230

(3) Where the terms of an agreement registered under subsection (1) have been complied with or where the time during which the agreement is to remain in effect has expired, the municipality shall cause to be registered in the proper land registry office a certificate signed by the clerk of the municipality stating that the terms of the agreement have been complied with or that the time the agreement is to remain in effect has expired, as the case may be, and thereupon the land against which the agreement is registered is free and clear of the terms of the agreement. Certificate agreement complied with, etc.

APPEALS

13.—(1) Where the council refuses or neglects to make a decision on the application made in accordance with this Act within thirty days of the receipt of the application by the clerk of the municipality, the applicant may appeal to the Ontario Municipal Board by filing with the clerk of the municipality a notice of appeal. Appeal to O.M.B.

(2) Any person who is not satisfied with the decision of council may, not later than twenty days after the date of the Appeal of decision to O.M.B.

decision, appeal to the Ontario Municipal Board by filing with the clerk of the municipality a notice of appeal setting out the objection to the decision and the reasons for the objection.

Record

(3) The clerk of the municipality, upon receipt of a notice of appeal under subsection (1) or (2), shall compile a record and forward the notice of appeal and the record to the secretary of the Ontario Municipal Board and shall provide such information or material as the Board may require in respect of the appeal.

Hearing

(4) The Ontario Municipal Board shall hold a hearing and has the same authority as does the council under subsection 11 (7) but, if all appeals have been withdrawn before the hearing, the decision of the council is final and the secretary of the Board shall notify the clerk of the municipality who shall notify the applicant.

No petition
from O.M.B.
R.S.O. 1980,
c. 347

(5) Despite section 94 of the *Ontario Municipal Board Act*, there is no right to file a petition under that section in respect of an order or decision of the Board made in respect of a matter appealed to the Board under this Act.

Certificate
that approval
given

(6) When an approval has been given under this Act by the municipality or the Ontario Municipal Board, the clerk of the municipality shall issue a certificate in the prescribed form to the applicant stating that the approval has been given.

When
certificate of
approval to
be issued

(7) No certificate of approval shall be issued until the time for an appeal has passed or until the appeal has been disposed of, whichever is later and, until the certificate is issued, no person shall commence the activity mentioned in subsection 4 (1) or carry out the transaction to which the consent mentioned in subsection 5 (1) relates, as the case may be.

Conditions to
be fulfilled

(8) Where a condition has been imposed, the certificate shall not be given until the council is satisfied that the condition has been fulfilled.

Certificate
conclusive

(9) The certificate issued under subsection (6) is conclusive evidence that the approval was given and that the provisions of this Act leading to the approval have been complied with.

Idem

(10) After the certificate has been issued, no action may be maintained to question the validity of the approval, but nothing in this subsection prevents an application for judicial review or an appeal to the Divisional Court as may be provided by law or any further appeal therefrom.

INSPECTIONS

14.—(1) The Minister or a municipality may designate as inspectors such employees of the Ministry or of the municipality respectively as are considered necessary by the Minister or the municipality for the purposes of ensuring that this Act and the regulations are complied with. Inspectors

(2) An inspector may, on giving twenty-four hours prior written notice to the owner of the rental property of the intention to do so, at reasonable times and on producing proper identification, Inspection

- (a) enter and inspect any rental property except any room or place therein actually used as a dwelling; and
- (b) upon giving a receipt therefor, remove from the rental property any document or thing found during the course of the inspection, and that may be relevant thereto, for the purpose of making copies or extracts and shall promptly thereafter return them to the rental property from which they were removed.

(3) No person shall hinder, obstruct or interfere with an inspector in the exercise of the right of entry and inspection and removal of documents or things conferred under subsection (2). Obstruction

(4) Where a justice of the peace is satisfied by evidence under oath, Warrant to enter and inspect rental property

- (a) that the entry and inspection of a rental property is authorized under subsection (2) and is reasonably necessary in the enforcement of this Act; and
- (b) that an inspector has been denied access to the rental property or that there are reasonable grounds to believe that access would be refused,

the justice of the peace may issue a warrant in the prescribed form authorizing an inspector named in the warrant to enter and inspect the rental property, by the use of force if necessary, together with such police officers as may be called upon to assist the inspector, and upon giving a receipt therefor, to remove from the rental property any document or thing found during the course of the inspection, and that may be relevant thereto, for the purpose of making copies or extracts and shall

promptly thereafter return them to the rental property from which they were removed.

When to be
executed and
expiry

(5) A warrant issued under subsection (4) shall be executed at reasonable times as specified in the warrant and the warrant shall state the date upon which it expires which date shall not be later than fifteen days after the warrant is issued.

Entry into
common
areas

(6) On the invitation to do so by the occupier of a rental unit, an inspector may enter and inspect any common areas of the rental property in which the rental unit is located and to which the occupier has a right of access.

Entry into
dwelling
place

(7) Except under the authority of a warrant issued under subsection (8), an inspector shall not enter any room or place actually used as a dwelling for the purposes of inspecting that dwelling without requesting and obtaining the consent of the occupier, first having informed the occupier that the right of entry may be refused and entry made only under the authority of a warrant.

Warrant to
enter and
search

(8) Where a justice of the peace is satisfied by evidence under oath,

- (a) that there is reasonable and probable ground for believing that an offence under this Act has been committed; and
- (b) that there is reasonable and probable ground for believing that the entry into and search of any building, receptacle or place will afford evidence as to the commission of the offence,

the justice of the peace may issue a warrant in the prescribed form authorizing an inspector named in the warrant to enter and search the building, receptacle or place, by the use of force if necessary, together with such police officers as may be called upon to assist the inspector, and upon giving a receipt therefor, to remove from the building, receptacle or place any document or thing that may afford evidence of the offence for the purpose of making copies or extracts and shall promptly return them to the building, receptacle or place from which they were removed.

When to be
executed and
expiry

(9) A warrant issued under subsection (8) shall be executed at reasonable times as specified in the warrant and the warrant shall state the date upon which it expires which date shall not be later than fifteen days after the warrant is issued.

(10) Copies of or extracts from documents and things removed under this section and certified as being true copies of, or extracts from, the originals by the person who made them are admissible in evidence to the same extent as, and have the same evidentiary value as, the documents or things of which they are copies or extracts.

Admissibility
of copies

GENERAL

15.—(1) The council of a municipality may by by-law establish fees for the processing of an application made under this Act.

Fees

(2) The fees shall not exceed the anticipated cost to the municipality of processing the application and of having its chief building official make an inspection of the rental property.

Idem

16. The Minister may make grants to municipalities to assist them in training their employees in the administration of this Act.

Grants to
municipalities

17.—(1) Where, on an application made to the District Court or the Supreme Court by a tenant, former tenant, municipal corporation or the Minister, the court determines that an owner or tenant of rental property or person acting on behalf of the owner or tenant has converted, has attempted to convert or is in the process of converting the property or part thereof to a condominium, co-operative, hotel, motel, tourist home, inn or apartment hotel, or to any use for a purpose other than rental property without the approval of council under subsection 4 (1), where such approval was required, the court may make one or more of the following orders:

Restraining,
etc., order

1. An order restraining the owner or tenant or person acting on behalf of the owner or tenant from converting or continuing to convert the property.
2. An order requiring the owner or tenant or any subsequent owner or tenant to return the property to the use to which it was being put immediately prior to the conversion or attempted conversion.
3. An order restoring the tenancy and putting the tenant of a rental unit back into possession.

(2) An order made under subsection (1) may require the owner or tenant or any subsequent owner or tenant or person acting on behalf of any one of them, as the case requires, to

Idem

take such steps as the court considers necessary to give effect to the order.

Joint
application

(3) A joint application may be brought by persons who are eligible to bring an application under subsection (1).

Remedies are
additional

(4) The remedies provided by this section are in addition to any other remedies existing by law.

Regulations

18. The Lieutenant Governor in Council may make regulations,

- (a) exempting any municipality or part thereof from this Act;
- (b) exempting rental units or rental properties, or categories thereof, from this Act or any part or parts thereof for such general or specific purposes as are specified;
- (c) prescribing, for the purposes of subsection 11 (7), the criteria upon which approval may be granted or refused by a municipality under subsection 4 (1) or 5 (1);
- (d) prescribing, for the purposes of subsection 4 (4), criteria to be met by transient living accommodation;
- (e) exempting the transfer of an interest in a co-operative or in a corporation owning or leasing any interest in a co-operative or any category of co-operatives from section 7;
- (f) prescribing, for the purposes of paragraph 6 of section 6, provisions of the *Municipal Act* respecting a business licence to which that paragraph does not apply;
- (g) prescribing, for the purposes of section 6, additional provisions respecting a permit, licence, consent, permission or approval;
- (h) prescribing the information to be contained in an application under subsection 11 (1);
- (i) prescribing the form of notice to be given and the manner in which notice is to be given under subsection 11 (2);

R.S.O. 1980,
c. 302

- (j) prescribing, for the purposes of subsection 11 (3), the persons to whom and the manner in which the copy of the application is to be given by the council and prescribing additional material to be given with the copy of the application;
- (k) prescribing, for the purposes of subsection 11 (8), the form and content of the notice and the manner in which and the persons to whom the notice is to be given by the council;
- (l) prescribing, for the purposes of subsection 11 (10), other persons to whom notice of the decision of council shall be given;
- (m) prescribing the form of the certificate of approval under subsection 13 (6);
- (n) prescribing, for the purposes of subsection 14 (4), the form of a warrant to enter and inspect, and for the purposes of subsection 14 (8), the form of a warrant to enter and search;
- (o) prescribing anything that by this Act is to be or may be prescribed.

OFFENCES

19. Every person who contravenes subsection 4 (1), 7 (1), 9 (1), 10 (1) or 14 (3), and every director or officer of a corporation who authorized, permitted or acquiesced in the contravention by the corporation, is guilty of an offence and on conviction is liable to a fine of not more than \$50,000 or to imprisonment for a term of not more than one year, or to both, but no person is guilty of an offence if the person did not know, and in the exercise of due diligence could not have known, of the contravention. Offence

20.—(1) No owner of rental property or person acting on the owner's behalf shall interfere with the reasonable enjoyment of a rental unit in the rental property by the tenant thereof with the intent of discouraging the participation of the tenant in the application process described in section 11 or the appeal process described in section 13 or with the intent of otherwise facilitating the obtaining of the approval of the council of a municipality on an application made under this Act. Harassment of tenant

(2) Every person who contravenes subsection (1) and every director or officer of a corporation who authorized, permitted Offence

or acquiesced in the contravention is guilty of an offence and on conviction is liable to a fine of not less than \$1,000 and not more than \$50,000 or to imprisonment for a term of not more than one year, or to both, but no director or officer is guilty of an offence if he or she did not know, and in the exercise of due diligence could not have known, of the contravention.

Address of
rental unit

(3) An information commencing a proceeding under this section shall contain the complete municipal address of the rental unit to which the information relates.

Penalty

(4) In addition to levying a fine or imposing a term of imprisonment under subsection (2) and notwithstanding any other remedy existing by law, the court may order that the person convicted pay to the aggrieved tenant an amount not exceeding \$2,000 as a penalty for the unlawful interference.

Civil
remedies not
precluded

(5) No disposition made under subsection (4) precludes the tenant from pursuing any civil remedy existing by law.

Certificate of
conviction to
clerk

(6) A certificate or other proof of a conviction under subsection (2) shall be forwarded by the court to the clerk of the municipality in which the rental unit is situate.

Copy to
contain
address

(7) The certificate or other proof of conviction forwarded to the clerk under subsection (6) shall contain the address of the rental unit as set out in the information.

Restriction
on approval

(8) Where notice of a conviction under subsection (2) is received by the clerk of the municipality, the clerk shall inform the council and no approval shall then be given under subsection 4 (1) or 5 (1) in respect of a rental unit in the same rental property unless,

(a) three years have passed since the date of conviction;
or

(b) an appeal is brought and the conviction is quashed.

Limitation of
action

21. Proceedings shall not be commenced, in respect of an offence under this Act, after two years from the date the offence was, or is alleged to have been, committed.

MISCELLANEOUS

Immunity for
acts done in
good faith

22.—(1) No action or other proceeding for compensation or damages shall be instituted against any officer or employee of the Ministry for any act done in good faith in the performance or intended performance of any duty or in the exercise or intended exercise of any power under this Act or the

regulations or for any neglect or default in the performance or exercise in good faith of such duty or power.

(2) No action or other proceeding for compensation or damages shall be instituted against any officer or employee of a municipality for any act done in good faith in the performance or intended performance of any duty or in the exercise or intended exercise of any power under this Act or the regulations or for any neglect or default in the performance or exercise in good faith of such duty or power. Idem

(3) Subsection (1) does not, by reason of subsections 5 (2) and (4) of the *Proceedings Against the Crown Act*, relieve the Crown of liability in respect of a tort committed by a person mentioned in subsection (1) to which it would otherwise be subject and subsection (2) does not relieve a municipal corporation of any liability in respect of a tort committed by a municipal officer or employee to which it would otherwise be subject, and the Crown or the municipal corporation, as the case may be, is liable for any such tort as though subsections (1) and (2) had not been enacted. Liability of Crown and municipality
R.S.O. 1980,
c. 393

23.—(1) If all permits required under the *Building Code Act* and the *Planning Act, 1983* for a demolition, renovation or repair have been obtained before the 10th day of July, 1986, or, in respect of vacant rental property, have been obtained before the coming into force of section 24, the approval of council under subsection 4 (1) is not required. Transition
R.S.O. 1980,
c. 51
1983, c. 1

(2) If a certificate has been given under subsection 52 (21) of the *Planning Act, 1983* before the 10th day of July, 1986, or, in respect of vacant rental property, has been given before the coming into force of section 24, the approval of council under subsection 5 (1) is not required. Idem

(3) If a draft approval or a commitment for an exemption from an approval has been granted under section 50 of the *Condominium Act* or the Ontario Municipal Board has issued a decision approving an application for conversion to a condominium before the 10th day of July, 1986, or, in respect of vacant rental property, has been granted or issued before the coming into force of section 24, the approval of the council of a municipality under subsection 4 (1) is not required. Condominium conversion
R.S.O. 1980,
c. 84

(4) Any proceeding that has been commenced under the *Rental Housing Protection Act, 1986* before the day this section comes into force shall be continued and finally disposed of under that Act, except that no petition may be filed with the Clerk of the Executive Council under subsection 7 (17) of Proceedings continued under
1986, c. 26

R.S.O. 1980, c. 347, that Act or under section 94 of the *Ontario Municipal Board Act*.

Right to
petition
continued

(5) Despite subsection (4), where a petition has been filed under subsection 7 (17) of the *Rental Housing Protection Act, 1986* before the coming into force of this section, subsections 7 (17) and (18) of the *Rental Housing Protection Act, 1986* continue in force for the purpose of finally disposing of the petition.

24.—(1) The definition of “rental unit” in section 1 of the *Rental Housing Protection Act, 1986*, being chapter 26, is repealed and the following substituted therefor:

“rental unit” means premises used as rented residential premises and includes premises that have been used as rented residential premises and are vacant.

(2) The said section 1 is amended by adding thereto the following definition:

“rented residential premises” includes a room in a boarding house or lodging house.

(3) Section 3 of the said Act is amended by adding thereto the following subsection:

Idem

(2) This Act does not apply to premises that have been used as rented residential premises and are vacant if,

(a) immediately before becoming vacant, the premises were used as something other than rented residential premises; and

(b) the premises were converted to the use referred to in clause (a) without contravening this Act.

Transition
1986, c. 26

25.—(1) The *Rental Housing Protection Act, 1986*, as amended by section 24 of this Act, applies to rental residential properties even though they are vacant on the day section 24 comes into force.

Idem

R.S.O. 1980,
c. 51
1983, c. 1

(2) Despite subsection (1), if all permits required under the *Building Code Act* and the *Planning Act, 1983* for a demolition, renovation or repair have been obtained before the coming into force of section 24 in respect of a vacant rental residential property, the approval of the council of a municipality under subsection 4 (1) of the *Rental Housing Protection Act, 1986* is not required.

(3) Despite subsection (1), if a certificate has been given under subsection 52 (21) of the *Planning Act, 1983* before the coming into force of section 24 in respect of a vacant rental residential property, the approval of the council of a municipality under subsection 4 (1) of the *Rental Housing Protection Act, 1986* is not required. Idem

(4) Despite subsection (1), the approval of the council of a municipality under subsection 4 (1) of the *Rental Housing Protection Act, 1986* is not required in respect of a vacant rental residential property if, before the coming into force of section 24, Idem,
condominium
conversion

(a) a draft approval or a commitment for an exemption from an approval has been granted under section 50 of the *Condominium Act*; or

R.S.O. 1980,
c. 84

(b) the Ontario Municipal Board has issued a decision approving an application for conversion to a condominium.

26. Subsection 12 (2) of the *Rental Housing Protection Act, 1986*, being chapter 26, as amended by the Statutes of Ontario, 1988, chapter 22, section 1, is repealed.

27.—(1) This Act, except sections 24 and 25, comes into force on the 30th day of June, 1989. Commence-
ment

(2) Sections 24 and 25 shall be deemed to have come into force on the 31st day of January, 1989. Idem

28. The short title of this Act is the *Rental Housing Protection Act, 1989*. Short title



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